

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
3 CHARLOTTE DIVISION
4 CIVIL ACTION NO. 3:20-CV-00504-FDW-DSC
5

6 CPI SECURITY SYSTEMS,)
7 INC.,)

8 Plaintiff and Counterclaim)
9 Defendant,)

10 v.)

11 VIVINT SMART HOME, INC.)
12 f/k/a Mosaic Acquisition)
13 Corp.; and LEGACY VIVINT)
14 SMART HOME, INC. f/k/a)
15 Vivint Smart Home, Inc.,)

16 Defendants and)
17 Counterclaimants.)

18 Zoom Video Deposition of JOHGRE HINTON
19 (Taken by the Plaintiff and Defendants)
20 Knightdale, North Carolina
21 Friday, August 20, 2021
22
23

24 Job No. CS4749807

25 Reported by: Marisa Munoz-Vourakis -
RMR, CRR and Notary Public

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCE OF COUNSEL BY ZOOM:</p> <p>2 For the Plaintiff and Counterclaim Defendant:</p> <p>3 CHARLES C. EBLEN, ESQ.</p> <p>4 Shook, Hardy & Bacon L.L.P.</p> <p>5 2555 Grand Boulevard</p> <p>6 Kansas City, MO 64108-2613</p> <p>7 816-474-6550</p> <p>8 ceblen@shb.com</p> <p>9</p> <p>10 For the Defendants and Counterclaimants:</p> <p>11 MATTHEW A. STEWARD, ESQ.</p> <p>12 Clyde Snow & Sessions</p> <p>13 201 S. Main Street, Suite 1300</p> <p>14 Salt Lake City, UT 84111</p> <p>15 mas@clydesnow.com</p> <p>16 -and-</p> <p>17 GREGORY W. HERBERT, ESQ.</p> <p>18 Greenberg Traurig P.A.</p> <p>19 450 S. Orange Avenue, Suite 650</p> <p>20 Orlando, FL 32801</p> <p>21 407-420-1000</p> <p>22 herbertg@gtlaw.com</p> <p>23 Also Present by Zoom: DELISHA HINTON</p> <p>24 Also Present by Zoom: DeANDRAE SHIVERS, Videographer</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X</p> <p>2 Examination of: Page</p> <p>3 JOHGRE HINTON</p> <p>4 EXAMINATION BY MR. EBLEN 5</p> <p>5 EXAMINATION BY MR. STEWARD22</p> <p>6 FURTHER EXAMINATION BY MR. EBLEN87</p> <p>7 FURTHER EXAMINATION BY MR. STEWARD90</p> <p>8 DEPOSITION EXHIBITS</p> <p>9 EXHIBIT NUMBER DESCRIPTION PAGE</p> <p>10 Exhibit 2 Mr. Hinton's LinkedIn profile 27</p> <p>page</p> <p>11</p> <p>12 Exhibit 3 Bates number CPI 242 54</p> <p>13</p> <p>14 Exhibit 4 Vivint contract 55</p> <p>15</p> <p>16 Exhibit 5 Bates number 244 66</p> <p>17</p> <p>18 Exhibit 6 CPI monthly charge sheet 77</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 OOO</p> <p>7</p> <p>8</p> <p>9 Zoom Video Deposition of JOHGRE HINTON,</p> <p>10 taken by the Plaintiff and Defendants, at Knightdale,</p> <p>11 North Carolina, on the 20th day of August, 2021 at 1:01</p> <p>12 p.m., before Marisa Munoz-Vourakis, Registered Merit</p> <p>13 Reporter, Certified Realtime Reporter and Notary Public.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 P R O C E E D I N G S</p> <p>2 THE VIDEOGRAPHER: This is the</p> <p>3 beginning of the videotape deposition of</p> <p>4 Johgre Hinton in the matter of CPI Security</p> <p>5 Systems, Incorporated versus Vivint Smart</p> <p>6 Home, Incorporated, et al.</p> <p>7 Today's date is August 20, 2021, and</p> <p>8 the time is 1:01 p.m.</p> <p>9 Counsel please introduce yourselves,</p> <p>10 after which our court reporter will swear in</p> <p>11 the witness.</p> <p>12 MR. EBLEN: This is Charlie Eblen</p> <p>13 representing CPI, the plaintiff.</p> <p>14 MR. STEWARD: Matt Steward of Clyde</p> <p>15 Snow on behalf of the defendants. Also on</p> <p>16 the Zoom deposition today is Gregory Herbert</p> <p>17 of Greenberg Traurig also representing the</p> <p>18 defendants.</p> <p>19 Whereupon, JOHGRE HINTON, having</p> <p>20 been first duly affirmed, was examined</p> <p>21 and testified as follows:</p> <p>22 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>23 BY MR. EBLEN:</p> <p>24 Q. Good afternoon, Mr. Hinton. How are you?</p> <p>25 A. Doing well, thank you. How about you?</p>

<p style="text-align: right;">Page 6</p> <p>1 Q. I'm doing well.</p> <p>2 Could you please introduce yourself?</p> <p>3 A. Johgre Hinton. I am a customer of CPI as</p> <p>4 well as Vivint, living at the address 1319 Gaby Lane,</p> <p>5 Knightdale, North Carolina.</p> <p>6 Q. How long have you lived at that address?</p> <p>7 A. Since June of 2015.</p> <p>8 Q. Who all lives in your home with you?</p> <p>9 A. So me and my wife Delisha.</p> <p>10 Q. And you mentioned that you're a customer of</p> <p>11 CPI and Vivint?</p> <p>12 A. Yes, recently -- go ahead.</p> <p>13 Q. Go ahead. Do you have a system both from</p> <p>14 Vivint an CPI?</p> <p>15 A. I was originally on a contract with CPI</p> <p>16 when we started living here. The contract with CPI ran</p> <p>17 out in June of last year, 2020, so it was a five-year,</p> <p>18 60-month agreement. Started a contract with Vivint in</p> <p>19 November of 2018. So I'm currently not a customer of</p> <p>20 CPI but just a customer of Vivint.</p> <p>21 Q. And we'll talk in some detail about your</p> <p>22 relationship, both with CPI and Vivint, but to get a</p> <p>23 little more background from you, could you give me an</p> <p>24 idea of your educational background?</p> <p>25 A. Sure. I'm a degreed engineer from North</p>	<p style="text-align: right;">Page 8</p> <p>1 Vivint was in the store. They had representatives in</p> <p>2 the store and they stopped us. We had a conversation.</p> <p>3 They told us how we could save money with -- you know,</p> <p>4 that kind of sparked our interest from there.</p> <p>5 Later on, they had a representative to come</p> <p>6 out to the house where we could talk more in detail</p> <p>7 about what they would offer and the cost of the</p> <p>8 service.</p> <p>9 Q. Tell me everything that you remember about</p> <p>10 your interaction with the Vivint representatives in</p> <p>11 BJ's?</p> <p>12 A. So in BJ's it was just, you know, regular</p> <p>13 day of -- regular shopping trip. They were in there.</p> <p>14 We've seen signs, but you never really, you know,</p> <p>15 looked at it or had any interest of switching companies</p> <p>16 at the time. We were satisfied with our service.</p> <p>17 They asked who our current security service</p> <p>18 provider was and informed them it was CPI, and then</p> <p>19 they told us that, you know, they could probably beat</p> <p>20 their rates.</p> <p>21 Q. At the time you met with the Vivint</p> <p>22 representatives in BJ's, did either of them make any</p> <p>23 sort of representation that they had an affiliation</p> <p>24 with CPI?</p> <p>25 MR. STEWARD: Objection, leading.</p>
<p style="text-align: right;">Page 7</p> <p>1 Carolina State University, civil engineer. I have a</p> <p>2 master in business administration from the University</p> <p>3 of North Carolina, Chapel Hill.</p> <p>4 Q. What kind of work are you in?</p> <p>5 A. I am a manager over a couple of different</p> <p>6 engineering, engineering technology groups for the</p> <p>7 local utility company.</p> <p>8 Q. All right. Drawing your attention now back</p> <p>9 to your relationship that you had with CPI, for how</p> <p>10 long did you have a contract with CPI?</p> <p>11 A. My contract with CPI was for 60 months,</p> <p>12 five years. It started in June of 2015.</p> <p>13 Q. Were you pleased with your product and</p> <p>14 service that you had with CPI?</p> <p>15 A. Yes, we were pleased with the service.</p> <p>16 Q. Did you have any problems with CPI?</p> <p>17 A. There was no problems with CPI.</p> <p>18 Q. All right. And as I understand it,</p> <p>19 sometime around November of 2018, did you have some</p> <p>20 interactions with a representative from Vivint?</p> <p>21 MR. STEWARD: Objection, leading.</p> <p>22 BY MR. EBLIN:</p> <p>23 Q. You can answer.</p> <p>24 A. So our first interaction with Vivint we</p> <p>25 were at the BJ's, which is the local wholesale store.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. So I don't recall if in the store they said</p> <p>2 that, you know, they had any affiliation. It was later</p> <p>3 when a Vivint representative was in our home is when</p> <p>4 those -- the conversations that they had affiliation</p> <p>5 with CPI came up.</p> <p>6 Q. Okay. So fast forward when the Vivint rep</p> <p>7 came out to your home, do you recall about how much</p> <p>8 time past before the rep came to your home?</p> <p>9 A. It was when we got home. Our typical</p> <p>10 grocery shopping is like three hours. So from the time</p> <p>11 we're shopping, you know, get back home, put the</p> <p>12 groceries away. So it was probably about two hours</p> <p>13 maybe that -- if that.</p> <p>14 Q. It was the same day though?</p> <p>15 A. It was the same day, yes.</p> <p>16 Q. Was it one of the same representatives who</p> <p>17 was in the store or a different person?</p> <p>18 A. No, it was a different representative.</p> <p>19 They probably wouldn't have been able to get more</p> <p>20 customers if the person from the store came to the</p> <p>21 house.</p> <p>22 Q. Do you remember the name of the gentleman</p> <p>23 who came to your house, or was it a woman or a man?</p> <p>24 A. It was a male. His name is Craig.</p> <p>25 Q. Do you know Craig's last name?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Craig Darrow.</p> <p>2 Q. And when the Vivint representative Craig</p> <p>3 came to your home, tell us what all he represented to</p> <p>4 you about Vivint?</p> <p>5 A. Well, he basically told in addition -- I</p> <p>6 don't know if it's relevant or not -- but when he was</p> <p>7 telling us that they could save us some money, my</p> <p>8 mother, she didn't have a -- at the time she didn't</p> <p>9 have a service, a security service. So I invited her</p> <p>10 over to the house. So basically it was a sales pitch</p> <p>11 coming to two customers at a time.</p> <p>12 So with, you know, going through that, he</p> <p>13 basically was telling us how we didn't have to pay for</p> <p>14 additional equipment, because they could just take over</p> <p>15 the equipment here at the house. And that kind of made</p> <p>16 me question like how are you able to -- how is a</p> <p>17 different company able to take over another company's</p> <p>18 equipment? And that's when he started to allude that,</p> <p>19 you know, they were working together.</p> <p>20 Q. You said he alluded to them working</p> <p>21 together. Tell us specifically what all you remember</p> <p>22 the Vivint representative saying about any relationship</p> <p>23 with CPI?</p> <p>24 MR. STEWARD: Objection to form.</p> <p>25 Mr. Hinton, I apologize, I periodically am</p>	<p style="text-align: right;">Page 12</p> <p>1 and direction, but still, still kind of iffy and things</p> <p>2 of that nature. Ran it by my wife. She, you know, was</p> <p>3 still comfortable with it, so we proceeded at that</p> <p>4 time.</p> <p>5 Q. On that day, based on what you just</p> <p>6 described, did you have the impression that there was</p> <p>7 some sort of a connection between CPI and Vivint?</p> <p>8 A. Yeah, so from not getting clear answers,</p> <p>9 and then just when I think of security, I think of this</p> <p>10 one company is the only person that has access to their</p> <p>11 equipment. I don't think of well, this one company and</p> <p>12 any other security company who wants access to their</p> <p>13 equipment can have access to it. To me that's just an</p> <p>14 uncomfortable feeling.</p> <p>15 So, you know, those are the questions that</p> <p>16 I was asking trying to get clarity around that, and</p> <p>17 then that's when he eventually was basically like oh,</p> <p>18 yeah, we're one in the same and left it at that.</p> <p>19 Q. Did you find out later whether or not that</p> <p>20 representation was true?</p> <p>21 A. Yeah, found out through -- it was around</p> <p>22 June of last year when we found out that representation</p> <p>23 was not true. There was some additional charges that I</p> <p>24 was -- that was on my credit card. And basically, I</p> <p>25 guess up front, Vivint was giving us the difference of</p>
<p style="text-align: right;">Page 11</p> <p>1 going to make an objection to the form of</p> <p>2 the question, and I apologize, I know that</p> <p>3 interrupts you, but unless you're instructed</p> <p>4 not to answer, which is very unlikely to</p> <p>5 happen, go ahead and answer the question</p> <p>6 after I've made the objection.</p> <p>7 Does that make sense?</p> <p>8 THE WITNESS: Yes.</p> <p>9 MR. STEWARD: Thank you.</p> <p>10 A. You want to repeat the question or?</p> <p>11 Q. Yeah, sure. I can repeat it for you.</p> <p>12 So tell us everything you recall about your</p> <p>13 conversation with the Vivint representative about CPI</p> <p>14 having any relationship with Vivint?</p> <p>15 MR. STEWARD: Objection to form.</p> <p>16 Go ahead, Mr. Hinton.</p> <p>17 A. So when he was saying that he didn't have</p> <p>18 to install any new equipment, because he could</p> <p>19 basically take over the equipment that they have, he</p> <p>20 was saying that CPI's equipment was older, but it was</p> <p>21 of the same version of what Vivint would install, and</p> <p>22 that, you know from there, it was like so are you a</p> <p>23 partnership? Are you working together? And he was</p> <p>24 like you know, like yes, you know, we kind of work</p> <p>25 together, and things of that nature. No clear answer</p>	<p style="text-align: right;">Page 13</p> <p>1 the cost that it would be for CPI. So I guess they</p> <p>2 couldn't buy us out of a contract, but they could give</p> <p>3 us a discount for it.</p> <p>4 So then when I started seeing the charges,</p> <p>5 that's when I called and asked about it.</p> <p>6 It was also around the same time CPI, you</p> <p>7 know, they see you and said what they said, and the</p> <p>8 customer rep was thinking that's why we were leaving</p> <p>9 the company, but it was just time for either renewal</p> <p>10 or, you know, just part ways.</p> <p>11 So I was telling the customer rep, well, we</p> <p>12 have a contract with Vivint, so we're not going to</p> <p>13 renew. We're not going to continue to carry, you know,</p> <p>14 two contracts, and we're not getting a discount from,</p> <p>15 you know, Vivint anymore to cover CPI. So we was just</p> <p>16 going to part ways, and that's when the customer rep</p> <p>17 had started informing me that Vivint had, you know, was</p> <p>18 doing some misleading practices and things of that</p> <p>19 nature. And when I called Vivint to see if I could,</p> <p>20 you know, terminate the services, there was some term</p> <p>21 that the customer rep had given me to mention to the</p> <p>22 Vivint rep, and he was saying well, we can't let you</p> <p>23 out of the contract, but you can buy your way out, and</p> <p>24 that -- I was like -- almost payment of hundred -- you</p> <p>25 know, short of \$800, and then a notice of cancellation.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. Do you feel like the Vivint sales rep who</p> <p>2 came to your home was honest with you?</p> <p>3 A. No, I don't think so.</p> <p>4 Q. And why is that?</p> <p>5 A. It's pretty evident now. You know, we was</p> <p>6 quoted for 39.99 a month. We were paying \$50 a month</p> <p>7 with CPI. We were quoted 39.99 a month, and then like</p> <p>8 now, like the total charges are somewhere around \$61 a</p> <p>9 month.</p> <p>10 So, again, one, that's not savings. We're</p> <p>11 actually paying more for equipment that we already had.</p> <p>12 They did install some newer equipment and gave us a</p> <p>13 doorbell with a camera, some lighting smart lock, the</p> <p>14 Google mini, so they did add some additional equipment,</p> <p>15 but all the other equipment, as far as sensors and</p> <p>16 things of that nature, was already installed on the</p> <p>17 house.</p> <p>18 Then also just having conversations with</p> <p>19 the customer rep, and then they instructed me it's like</p> <p>20 you can do your own research. I don't want to kind of</p> <p>21 lead you to believe with anything. So just go look up</p> <p>22 on the Better Business Bureau, and when I looked up</p> <p>23 there, I saw all the complaints. I saw that a lot of</p> <p>24 customers, you know, were treated the same way we were</p> <p>25 treated.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Was it your understanding that the lower</p> <p>2 rate was going to stay that rate for the duration of</p> <p>3 the contract with Vivint?</p> <p>4 A. That's what I believed. I mean, I've given</p> <p>5 you my background as far as engineering and MBA, so</p> <p>6 doing the numbers, I would have ended up paying more,</p> <p>7 so that's not a savings.</p> <p>8 Q. Right. Were you told by the Vivint</p> <p>9 representatives that the rate was going to stay at the</p> <p>10 discounted rate that you thought you were getting?</p> <p>11 A. Yes, it was --</p> <p>12 MR. STEWARD: I'm sorry, objection as</p> <p>13 to form. Go ahead Mr. Hinton.</p> <p>14 A. Okay, yeah, so as I was saying, you know,</p> <p>15 background, just running numbers, just to see how it</p> <p>16 would have calculated over time, you know, from what</p> <p>17 they told us, you know, that 39.99 rate would have been</p> <p>18 the cost savings for us, not just monthly but, you</p> <p>19 know, over the duration of the time. I mean, it was a</p> <p>20 surprise to me that I basically had a credit card</p> <p>21 opened, not by me, but on behalf of Vivint, and that's</p> <p>22 when I started to see additional charges on my BJ's</p> <p>23 credit card. I think it's a Citizen's One loan or</p> <p>24 something like that, that I didn't open up. So that</p> <p>25 was frustrating as well.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. You made reference to for some number of</p> <p>2 months Vivint helped pay for the monthly service</p> <p>3 charges. How did they help? What form of payment did</p> <p>4 they make to help you pay for the service charges?</p> <p>5 A. I guess it was just, I guess it was just</p> <p>6 seemingly a discount to what their service would have</p> <p>7 been. So they was giving us a discount on their end to</p> <p>8 supplement what we would be paying towards CPI for the</p> <p>9 remaining of the term.</p> <p>10 Q. Did they give you a gift card or any money</p> <p>11 up front as part of the contract?</p> <p>12 A. No. No money up front.</p> <p>13 Q. Did they make any representations --</p> <p>14 A. I don't, I don't recall receiving any money</p> <p>15 or anything up front.</p> <p>16 Q. Did the Vivint representative make any</p> <p>17 representations about Vivint being willing to buy out</p> <p>18 any remaining balance on your CPI contract?</p> <p>19 A. Well, that was, I guess, the discount. I</p> <p>20 guess they couldn't, I guess, buy us out, buy us out of</p> <p>21 the contract. So I guess that's how they were making</p> <p>22 up for it, giving us the discount.</p> <p>23 Q. And how long did the discounted rate last?</p> <p>24 A. So we started in November of 2018, so until</p> <p>25 the CPI contract ended in June of 2020.</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. So do you still have a loan with Citizen's</p> <p>2 One related to your Vivint alarm system transaction?</p> <p>3 A. Yeah, it will be there until I either pay</p> <p>4 out the contract for Vivint or until, what is it, 2023</p> <p>5 when the Vivint 60-month contract comes up.</p> <p>6 Q. So am I right that you actually are making</p> <p>7 two different payments to Vivint; one directly to</p> <p>8 Vivint, and one to Citizen's One?</p> <p>9 A. Yeah, so it's 19.49 from Citizen's One loan</p> <p>10 and then 41.47 directly to Vivint.</p> <p>11 Q. And as I'm understand your testimony, is it</p> <p>12 the Citizen's One payment that started later on in</p> <p>13 2020?</p> <p>14 A. I tried to go back to see if it started</p> <p>15 before January of 2020. I could see in January 2020</p> <p>16 from the BJ's statements that it was there. I tried to</p> <p>17 see if it went back further than that, but it did start</p> <p>18 from -- I do have charges from 2020.</p> <p>19 Q. Did the sales representative from Vivint</p> <p>20 make it clear to you that in addition to paying Vivint,</p> <p>21 you would also be taking out a third-party loan with a</p> <p>22 bank?</p> <p>23 MR. STEWARD: Objection to form.</p> <p>24 A. No. If I was instructed I was going to be</p> <p>25 taking out a loan from a third party, I would not have</p>

<p style="text-align: right;">Page 18</p> <p>1 done it. We're very conscious of our credit and what 2 we're pulling it for. I would not have done that. 3 Plus, it wasn't part of the conversation, because the 4 39.99 was what we were told we were going to be paying. 5 Q. Did you after you realized that you had a 6 third-party loan with Citizen's One Bank, did you get 7 on Experian or one of the other credit bureaus to see 8 if in fact a hard credit inquiry had been run for that 9 loan? 10 MR. STEWARD: Objection to form, 11 leading. 12 A. No, I didn't. I didn't go check to see if 13 a hard credit was run during that time. 14 Q. Do you know one way or another whether a 15 hard credit check was run as part of the Citizen's One 16 financing for your alarm system? 17 A. If you would like me to check right now, I 18 could see from Experian. 19 Q. You don't need to. I'm just wondering if 20 sitting here, do you know one way or another? 21 A. I don't, I don't, I don't recall right now 22 at this moment, no. I think, you know, hard credit 23 runs stay on the credit report for two years. So from 24 2018 to 2021 is more than two years, so it wouldn't be 25 there anymore.</p>	<p style="text-align: right;">Page 20</p> <p>1 contract as well as or, you know, the things -- well, 2 he had the contract as well as telling us that if we 3 wanted to cancel the contract, then we had to pay the 4 nearly \$800 and send a letter of, I guess, notification 5 to cancel. 6 Q. If you didn't have to pay the \$800 to 7 cancel, would you have canceled at that time? 8 A. Yes. Yeah, I just didn't like, you know, 9 finding out, you know, what I found out about their 10 practices and the things that I was reading in addition 11 to the equipment doesn't -- for the doorbell doesn't 12 work as I would like. But you will probably think I'm 13 a little paranoid being at home, because the camera 14 goes off all the time. So it's like it could be that 15 one time where it's going off for a true incident, like 16 the little boy that cried wolf, if you don't pay 17 attention to it, it could be that one time where 18 something happens. 19 It says -- you know, sometimes it says the 20 door is locked when it's actually locked or when it is 21 locked it's actually unlocked. So you got to really be 22 mindful of that. 23 Fortunately enough, we're working from home 24 now, but before that, having the neighbors to go check 25 or having to leave work to go back home and check.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. When you realized that you had a loan with 2 Citizen's One that you weren't expecting to have, did 3 you call in to Vivint to complain about that? 4 MR. STEWARD: Objection, form, 5 leading. 6 A. I don't think I called to complain about 7 that in particular. It was all around the same time 8 of, you know, June 2020 when the CPI contract was 9 coming up, and then, you know, finding out about you 10 know, the prices that Vivint has. 11 So I don't know if it was just that one 12 thing that made me call, other than trying to get a 13 handle on what's really going on and how do we get out 14 of the mess that we're in. 15 Q. How many times would you estimate that you 16 called in to Vivint to talk to them about your 17 contract? 18 A. Maybe two, two times. I know it was around 19 June 8th, I think, maybe was the original conversation 20 or maybe a little bit before, being that June 11th I 21 think it was is the day that we moved in. And so that 22 would be about time to end the contract. So just 23 trying to beat that. 24 And then some of the customer reps, one guy 25 named Jose, he followed up on June 10th to give us the</p>	<p style="text-align: right;">Page 21</p> <p>1 In addition, when we first, you know, got 2 the equipment, there was some time where they had 3 representatives still walking around or on the scooter, 4 however you want to say, on the scooter in the 5 neighborhood. And it just seemed odd, because, you 6 know, he asked a question, you know, how things are 7 going? We told him there's an issue with the products. 8 Oh, I can remote into it and do it now, which was an 9 uncomfortable feeling that you had, a guy, a person 10 walking around a neighborhood able to remote into your 11 devices whenever they wanted to. 12 So it wasn't just the credit. It was all 13 of that together that made me want to just part ways. 14 Q. Had you known about the, what your actual 15 rate would be, and the third-party financing involved 16 before the sale, would you have entered into a contract 17 with Vivint? 18 MR. STEWARD: Objection, form. 19 A. Given the other questions and answers, you 20 know, just kind of summarize it, no. I mean, it wasn't 21 saving money. It wasn't, you know, honest and up front 22 communication. Still having issues and things of that 23 nature. I wouldn't have entered in that contract. We 24 still go to BJ's. We get approached by like AT&T, and 25 we have another service, the provider, and we see that</p>

<p style="text-align: right;">Page 22</p> <p>1 they can't save us money, so there's no need for us to</p> <p>2 talk to them, plus we were happy with the service that</p> <p>3 we had. We were happy with CPI. The only thing is if</p> <p>4 you were providing equal service as well as a savings,</p> <p>5 then, you know, we would switch. But the service</p> <p>6 wasn't equal and the savings -- there were no savings.</p> <p>7 Q. So at bottom, when you look back at the</p> <p>8 transaction that you entered into with Vivint, do you</p> <p>9 feel like the Vivint sales representative was up front</p> <p>10 and honest with you?</p> <p>11 A. No, I don't feel like the Vivint service</p> <p>12 reps were up front and honest.</p> <p>13 MR. EBLEN: That's all the questions</p> <p>14 that I have for you now, Mr. Hinton. I may</p> <p>15 have some more after Mr. Steward asks you</p> <p>16 some questions. Thank you.</p> <p>17 EXAMINATION BY COUNSEL FOR DEFENDANTS</p> <p>18 BY MR. STEWARD:</p> <p>19 Q. Good afternoon, Mr. Hinton. My name is</p> <p>20 Matt Steward, and I'm one of the attorneys that</p> <p>21 represent Vivint in this lawsuit.</p> <p>22 Let me first ask you about how you were</p> <p>23 contacted to make arrangements for today's deposition?</p> <p>24 Did somebody on behalf of CPI reach out to you at some</p> <p>25 point regarding this deposition?</p>	<p style="text-align: right;">Page 24</p> <p>1 call. June 23 is when I received a voice mail.</p> <p>2 Q. Of this year?</p> <p>3 A. July 23 of 2021, yes.</p> <p>4 Q. Okay. And that was the voice message. And</p> <p>5 does your call log show the subsequent call where you</p> <p>6 answered the phone?</p> <p>7 A. That call, I can see voicemails quicker</p> <p>8 than I can see call log for the -- I can't go back that</p> <p>9 far for call log.</p> <p>10 Q. That's fine. Do you recall approximately</p> <p>11 how long you spoke with Ms. Fishman?</p> <p>12 A. We may have spoken for maybe -- I had her</p> <p>13 on hold for a little while. So the duration of the</p> <p>14 call probably was maybe like ten minutes.</p> <p>15 Q. On this call with Ms. Fishman, what did she</p> <p>16 say to you?</p> <p>17 A. She was telling me that she was a</p> <p>18 representative of CPI, that there was a case between</p> <p>19 CPI and Vivint and wanted to see if she could have a</p> <p>20 few minutes of my time to talk about the interaction</p> <p>21 with me, CPI, and Vivint. And then asked after I</p> <p>22 shared, you know, she asked questions. I answered.</p> <p>23 After that, she asked if I would be willing to discuss</p> <p>24 it.</p> <p>25 Q. Okay. Did Ms. Fishman -- I'm sorry, were</p>
<p style="text-align: right;">Page 23</p> <p>1 A. So I had gotten some phone calls, I guess,</p> <p>2 from Shook Hardy & Bacon, so that's how I was informed.</p> <p>3 Q. Okay. And did you answer those phone</p> <p>4 calls, or did they leave you a voice message initially?</p> <p>5 A. So, no, I didn't answer. They left a voice</p> <p>6 mail. The first time I heard it, I didn't, you know, I</p> <p>7 have a feature on my phone to let me know that, you</p> <p>8 know, it could be potential spam. It's not an area</p> <p>9 that I would normally talk to someone, unknown number.</p> <p>10 Listen to the voice mail. I said if it's legit, they</p> <p>11 will call back, which they did, and then from there</p> <p>12 when I got the voice mail, I was intending to call them</p> <p>13 back but didn't get a chance to, and the third time</p> <p>14 they called, that's when I answered.</p> <p>15 Q. Okay. And do you recall who on behalf of</p> <p>16 Shook Hardy you spoke with on that call?</p> <p>17 A. I believe her name is Erin Farmer.</p> <p>18 Q. Erin Farmer?</p> <p>19 A. It was a lady, yes.</p> <p>20 Q. Okay. And to the best of your</p> <p>21 recollection, when, approximately, was that phone call?</p> <p>22 A. I can look at the call log and tell you</p> <p>23 right now.</p> <p>24 Q. Okay.</p> <p>25 A. Erin Fishman, that was, yeah, the phone</p>	<p style="text-align: right;">Page 25</p> <p>1 you finished?</p> <p>2 A. No. I mean, just basically if I would be</p> <p>3 willing to do this that I'm doing today.</p> <p>4 Q. Understood. Did Ms. Fishman do anything to</p> <p>5 try to refresh your recollection about any of the</p> <p>6 interactions you had with either CPI or Vivint?</p> <p>7 A. No. As we were having conversations,</p> <p>8 things started to come back to, come back to mind. But</p> <p>9 she didn't have any -- she didn't have any answers to</p> <p>10 try to put in my head or anything like that, so.</p> <p>11 Q. Right. Did she show you any documents or</p> <p>12 refer you to any documents on that call?</p> <p>13 A. No.</p> <p>14 Q. Did you have any other calls subsequent to</p> <p>15 the phone conversation with Ms. Fishman with anybody</p> <p>16 from CPI or Shook Hardy?</p> <p>17 A. The last conversation that I had with CPI</p> <p>18 was June 20, probably late June 2020, when someone</p> <p>19 called and asked if I would, you know, talk to them</p> <p>20 more about what happened, and they left voicemails, but</p> <p>21 I never called them back.</p> <p>22 Q. Right. And I'll go over that call. I</p> <p>23 believe that was the call you had with CPI where you</p> <p>24 referenced the controversy involving CPI's CEO Ken</p> <p>25 Gill. Was that the conversation you testified about</p>

<p style="text-align: right;">Page 26</p> <p>1 earlier?</p> <p>2 A. Yeah. And there was a part of the</p> <p>3 conversation that we had about some of their practices</p> <p>4 or what they said, yeah.</p> <p>5 Q. Right. And so I'll get to that. I'm going</p> <p>6 to try to approach this chronologically.</p> <p>7 Let me first, just because I have it here</p> <p>8 and I was impressed by it, make sure I can use this</p> <p>9 technology.</p> <p>10 Can you all -- I have introduced an</p> <p>11 exhibit, I think now I have to share that screen.</p> <p>12 A. You pulled up my LinkedIn.</p> <p>13 Q. I did. Can you see your LinkedIn profile</p> <p>14 on there?</p> <p>15 A. Yeah.</p> <p>16 Q. It's not showing up on my screen.</p> <p>17 Are you guys seeing his LinkedIn profile?</p> <p>18 MR. EBLIN: Yes.</p> <p>19 MR. STEWARD: Okay, great.</p> <p>20 MR. EBLIN: It's pretty small Matt.</p> <p>21 MR. STEWARD: Yeah, and we don't need</p> <p>22 to get into details.</p> <p>23 Q. Does this appear to be a true and accurate</p> <p>24 copy of your LinkedIn profile, Mr. Hinton?</p> <p>25 A. Like I mentioned, I can barely see it.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay, great.</p> <p>2 MR. STEWARD: It was marked as Exhibit</p> <p>3 2.</p> <p>4 Q. Mr. Hinton, I think you testified, I can't</p> <p>5 remember if you gave the exact date, that you entered</p> <p>6 into the Vivint contract on or about November 27, 2018,</p> <p>7 is that correct?</p> <p>8 A. That was -- yes.</p> <p>9 Q. So with respect to the events around that</p> <p>10 date, those occurred almost three years ago, is that</p> <p>11 right?</p> <p>12 A. Yes, three years, three months and seven</p> <p>13 days, yeah.</p> <p>14 Q. Right. And is it fair to say that given</p> <p>15 the passage of time, you may not have a precise</p> <p>16 recollection of the words that the Vivint sales rep</p> <p>17 used when he came and visited you at your home?</p> <p>18 A. Did I know his exact words?</p> <p>19 Q. That's my question. You don't know his</p> <p>20 exact words, correct? Or you don't recall his exact</p> <p>21 words?</p> <p>22 A. I don't recall his exact words.</p> <p>23 Q. Okay. And we'll get into more detail about</p> <p>24 that June 2020 call you had with CPI. But do you</p> <p>25 recall on that phone call you had with CPI in June of</p>
<p style="text-align: right;">Page 27</p> <p>1 (The document referred to was marked</p> <p>2 Deposition Exhibit Number 2 for</p> <p>3 identification.)</p> <p>4 Q. I apologize. Let me see if I can make that</p> <p>5 better. Can you see that now?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. And does that appear to be a true</p> <p>8 and accurate copy of your LinkedIn profile?</p> <p>9 A. So how are you seeing my notifications?</p> <p>10 Are you in my profile?</p> <p>11 Q. I just Googled your name and this came up.</p> <p>12 I don't believe I'm in any of your notifications or</p> <p>13 your messages. I certainly didn't access your account.</p> <p>14 This is just the public facing LinkedIn page.</p> <p>15 A. The public facing you can see how many</p> <p>16 messages and notifications that someone else has?</p> <p>17 Q. Apparently, because I didn't do anything to</p> <p>18 log into your account. And we're going to talk about</p> <p>19 that a little bit, because I sense that you're very</p> <p>20 sensitive to your privacy, which I appreciate. But,</p> <p>21 yes, this is what is available online on your LinkedIn</p> <p>22 profile. But this does appear to be a true and</p> <p>23 accurate copy of your LinkedIn profile?</p> <p>24 A. From the last time I checked, yeah, it</p> <p>25 should be.</p>	<p style="text-align: right;">Page 29</p> <p>1 2020 that the CPI representative is the one who raised</p> <p>2 the issue that the Vivint rep had made some statement</p> <p>3 that he worked with or was affiliated with CPI? That</p> <p>4 you didn't raise that issue, it was actually raised</p> <p>5 first by CPI? Do you recall that?</p> <p>6 MR. EBLIN: Object to form.</p> <p>7 A. I'm not sure, you know, who raised the</p> <p>8 issue, but I know what I felt when I first interacted</p> <p>9 with him.</p> <p>10 Q. So let's go back to that first interaction.</p> <p>11 The first interaction was at BJ's, is that</p> <p>12 correct?</p> <p>13 A. That's correct.</p> <p>14 Q. And did these Vivint representatives, did</p> <p>15 they have like a desk or a booth set up in BJ's?</p> <p>16 A. Yeah, they had a little booth, you know,</p> <p>17 right there by the electronics.</p> <p>18 Q. And did that booth, was it clearly</p> <p>19 identified as being there on behalf of the company</p> <p>20 Vivint? Did it have some kind of logo or anything that</p> <p>21 identified it as being a Vivint booth, if you recall?</p> <p>22 A. It was orange, you know, colors and signs,</p> <p>23 yeah.</p> <p>24 Q. Okay. And how many individuals were there</p> <p>25 manning the booth, so to speak?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. I recall one. There may have been two, but 2 I only recall the person I spoke with. 3 Q. Okay. And did that person that you spoke 4 with, were they -- did they clearly identify themselves 5 as being there on behalf of Vivint? 6 A. Yes, they was just saying that, you know, 7 Vivint Security Company. 8 Q. Right. And there was no -- that booth 9 didn't have anything that would indicate that it was -- 10 had been set up and was marketing on behalf of CPI, did 11 it? 12 A. Not at that time, no. 13 Q. Right. And the sales rep that you 14 interacted with, they didn't say or suggest that they 15 were working with or there on behalf of CPI, did they? 16 A. At BJ's? 17 Q. Yes, at BJ's. 18 A. No. I mean, it's like if I was talking 19 with AT&T, I wouldn't expect them to tell me they can 20 save me money. 21 Q. Right. And so -- and I guess that's the -- 22 that's my point. You understood at BJ's that Vivint 23 and CPI were different companies operating in the same 24 residential security space, correct? 25 MR. EBLN: Objection.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Okay. 2 A. And that's what I would have -- yeah, 3 that's what I would have -- I wouldn't have assumed 4 that they were together. 5 Q. Well, not just you wouldn't have assumed 6 they were together, you knew that Vivint was there 7 because it wanted your residential security business, 8 right? 9 A. Um-hum. 10 Q. Yeah, and it was a different -- you 11 understood that wasn't CPI? You understood that was a 12 different company than your then provider, correct? 13 A. At that location, yes. 14 Q. Great. And it sounds like you were 15 attracted, generally, you and your wife are attracted 16 to opportunities that may result in saving money, 17 getting a similar or better product for a lower price, 18 is that fair? 19 A. Yes. 20 Q. Okay. And at this booth, did they have any 21 physical equipment, like a panel or anything there to 22 show you some of the equipment and features of that 23 equipment? 24 A. I don't recall. And the reason why is 25 around that time, we had saw all of their equipment and</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Yes. You helped me make my point. You 2 know, I wouldn't have associated them together, but 3 when we started talking about actually transitioning, 4 that's when the rep at my house made that accusation or 5 assumption or whatever you want to call it. 6 Q. I want to get there, but I want to take 7 these -- I want to take these in isolated steps, so to 8 speak. 9 So when you first interfaced with the 10 Vivint representatives at BJ's, you clearly understood 11 that Vivint and CPI were different companies, like you 12 testified the difference between AT&T and Verizon, 13 right? 14 MR. EBLN: Object to form. 15 A. That's what I would assume, but you pulled 16 up my LinkedIn profile, so you know where I work. If 17 someone were to say Piedmont Natural Gas, you wouldn't 18 assume they were Duke Energy. 19 Q. Right, exactly. And I don't want you to 20 assume. It sounds to me like yes, at BJ's you 21 understood that Vivint and CPI were competitors, 22 correct? 23 A. Yes. 24 Q. Okay. 25 A. Yeah.</p>	<p style="text-align: right;">Page 33</p> <p>1 stuff in Best Buy when we was going to look at a 2 separate purchase. So I don't recall, but they were, 3 you know, close together, you know, like what's this 4 orange thing? You know, so we looked at it at Best 5 Buy, and then we had a conversation in BJ's with him. 6 I think they may have had probably the camera and the 7 panel, and I don't recall anything else. 8 Q. Okay. Fair enough. So it sounds like you 9 were somewhat actively shopping for residential 10 security products and features during this time frame? 11 A. No, not actively looking. I mean, we had 12 two years left on the contract. Like I said, it was 13 just -- it's just different with their marketing, with 14 the orange that they had versus, you know, dull colors 15 that other security companies had. It was just like, 16 you know, what is this? What is this thing that they 17 have here? 18 Q. Right. And you would agree with me that 19 the name Vivint and CPI aren't confusingly similar, 20 right? Those are very different names? 21 A. Right. Those are, those are different 22 names. 23 Q. And the logos are very different logos, 24 correct? 25 A. Yes.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. Right. You wouldn't look at the Vivint 2 logo and think of CPI; or you didn't look at the Vivint 3 logo and think of CPI, did you? 4 A. I don't look at Piedmont National Gas and 5 think Duke Energy. 6 Q. Absolutely. All right. So you had some 7 problems with your CPI system prior to this entering 8 into the contract with Vivint, didn't you? 9 A. If you can jog my memory, I don't -- 10 Q. Yeah. I reviewed a number, several of -- 11 several phone calls that you had with CPI, where there 12 was a false alarm or false notification triggered by a 13 motion sensor in your living room. Does that refresh 14 your recollection? 15 A. That a motion was -- that there was like 16 there was no motion, and it was saying that there was a 17 motion? 18 Q. That's exactly right. 19 A. It may be. 20 Q. Okay. 21 A. Same motion camera that's here now with -- 22 that Vivint overtook. 23 Q. Right. And the equipment is very 24 interesting to me. 25 Are you kind of a tech savvy guy, or are</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. And I want to represent to you that CPI and 2 other companies, when they take over, when they switch 3 a customer to their platform, if there's equipment that 4 they can utilize with the new service, they utilize it. 5 That's just part of the practice of the industry. Do 6 you have any information to disagree with that? 7 MR. EBLEN: Object to form, assumes 8 facts. You can answer. 9 A. I don't, I don't know. I mean, I 10 haven't -- this is my first time having security system 11 in my own home where someone else is coming in. If it 12 was anybody, you know, any other situation, any other 13 time, I would still question, hey, how are you able to 14 take over someone else's security equipment. 15 Q. Right. And I'll represent to you that, you 16 know, it's done every day within this industry, in part 17 to save -- you know, not to have to buy new equipment 18 if the existing equipment is compatible. And it 19 doesn't sound like anybody has told you or you read 20 anything to suggest that there's anything improper 21 about one security company, if they take over an 22 account, utilizing the existing equipment, right? 23 MR. EBLEN: Object to form, 24 foundation. 25 A. I'm still --</p>
<p style="text-align: right;">Page 35</p> <p>1 you somebody who is interested? Not that much? 2 A. No. 3 Q. So and your engineering degree is civil 4 engineering, is that right? 5 A. Yes. 6 Q. Okay. And that's primarily -- I don't know 7 a lot of about civil engineering, but -- 8 A. Well, I mean, let me kind of rephrase that, 9 because technology, I mean, weights are technology. So 10 when you say tech savvy, you mean like -- well, can you 11 elaborate? 12 Q. That is a great point and clarification, 13 because that is an overly broad thing. I am sure there 14 is lots of technology involved in civil engineering, 15 which you probably know a lot about. I'm talking more 16 about your familiarity with things like high definition 17 cameras, smart phone applications, things of that 18 nature? 19 A. I just know how to use it, for the most 20 part. 21 Q. Okay. Okay. Because I want to get into 22 this concern you had about Vivint being able to utilize 23 some equipment that was existing at your home, right? 24 You had testified about that concern? 25 A. Yes.</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. STEWARD: I'm trying to lay a 2 foundation. 3 Q. Do you have any knowledge to suggest that 4 there is something improper about one alarm company, if 5 they take over an account from another company, that 6 they utilize that equipment, if it's compatible and 7 still functional? 8 MR. EBLEN: Object to form. 9 A. Yeah, I mean, you're speaking to, you know, 10 that lack of knowledge, why I was discomfort -- why I 11 was uncomfortable with hey, how can you just take over, 12 you know, the system which led to, you know, the 13 inquiries of, you know, again, how are you able to just 14 take over the system and led to, you know, the guy 15 alluding to that they were part of CPI. 16 Q. Right. You know, it's funny, do you recall 17 in that June 2020 phone call you had with the CPI 18 representative when you articulated that concern, she 19 said yeah, yeah, it's all on different wavelengths. It 20 could have never been compatible? 21 Do you recall her reinforcing your concern 22 about that? 23 MR. EBLEN: Object to form. 24 A. You keep bringing it up, and if you have 25 it, just play it so I can jog my memory.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. Okay. I'm just asking you, as you sit here</p> <p>2 today, whether you have a recollection of her making</p> <p>3 that statement?</p> <p>4 A. Not at this time, no.</p> <p>5 Q. Okay.</p> <p>6 A. Can you tell me that lady's name?</p> <p>7 Q. It's Kay is her name.</p> <p>8 A. I remember Kay left a voice mail.</p> <p>9 Q. Yeah, she called you and left a voice</p> <p>10 message. Then she called back, and you have a feature</p> <p>11 on your phone that is a filter, right?</p> <p>12 A. At that time, the phone that I had, yeah.</p> <p>13 Q. Okay. At that time. And she identified</p> <p>14 herself, and you picked up, and you had a rather -- a</p> <p>15 pretty long conversation with her. Does that sound</p> <p>16 right?</p> <p>17 A. Yeah, probably longer than I would have</p> <p>18 intended, yeah.</p> <p>19 Q. I'm sure that's true, and we'll get to</p> <p>20 that. I want to go back to the chronology.</p> <p>21 You leave BJ's. You understand Vivint and</p> <p>22 CPI are different companies. You're interested in</p> <p>23 potentially saving money and improving the quality of</p> <p>24 your system, right?</p> <p>25 A. At the time when I left, I would not have</p>	<p style="text-align: right;">Page 40</p> <p>1 A. We use it --</p> <p>2 Q. Are you -- I'm sorry, are you on a laptop</p> <p>3 or on a desk computer?</p> <p>4 A. I'm on a laptop.</p> <p>5 Q. This is a funny request, but would you be</p> <p>6 able to take your laptop to where those panels are on</p> <p>7 the wall and just orient the camera so we can see</p> <p>8 those? I would be curious to see what panels they are.</p> <p>9 A. No.</p> <p>10 Q. No, what?</p> <p>11 A. I'm not walking around my house --</p> <p>12 Q. Well, what you could do --</p> <p>13 A. -- with the video camera.</p> <p>14 Q. Yeah --</p> <p>15 A. Well, the thing is, so we have this...top</p> <p>16 priority...walk and talk --</p> <p>17 Q. Let me just -- go ahead.</p> <p>18 A. Go ahead.</p> <p>19 Q. Well, I was just going to say, to address</p> <p>20 your concern, so you're not showing us your home, you</p> <p>21 could turn the video off on the Zoom, go to the panel,</p> <p>22 activate it so we're just looking at the panel, and</p> <p>23 then turn the video off.</p> <p>24 A. So you saw that I work for Duke Energy.</p> <p>25 Safety is a top priority. One thing that we have as a</p>
<p style="text-align: right;">Page 39</p> <p>1 associated them together. I didn't feel comfortable</p> <p>2 that they were, you know, overtaking existing equipment</p> <p>3 and then taking the probe, and then the guy alluding to</p> <p>4 that, you know, they're one in the same.</p> <p>5 Q. Okay. And do you recall what the panel,</p> <p>6 the control panel you had with your CPI system, what</p> <p>7 that looked like?</p> <p>8 A. I still have both of them.</p> <p>9 Q. You still have both of the panels?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Are you on your phone?</p> <p>12 A. I am on the computer.</p> <p>13 Q. Oh, okay. Is there any way that you</p> <p>14 could -- I assume the Vivint panel is on the wall and</p> <p>15 is functional currently?</p> <p>16 A. Yes, both panels are on the wall, and we</p> <p>17 both -- and we still own both of them.</p> <p>18 Q. Okay. Is the CPI panel functional? Is it</p> <p>19 connected to any devices within your home?</p> <p>20 A. It's still connected to all the same</p> <p>21 devices.</p> <p>22 Q. Okay. Is it being monitored by CPI, if you</p> <p>23 know?</p> <p>24 A. Not that I know of at this time.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 41</p> <p>1 rule, and I try to take home is, you know, we don't</p> <p>2 walk and talk on mobile devices. You do one thing or</p> <p>3 the other.</p> <p>4 Q. Okay. Okay. All right. Can you describe</p> <p>5 those two panels that are still on your wall?</p> <p>6 A. They are, you know, the triangle shape --</p> <p>7 the rectangular shape. They have the touch buttons.</p> <p>8 Vivint is pretty much all touch screen. CPI has the</p> <p>9 three, you know, big main buttons that you would press,</p> <p>10 and for the most part, the other functions are on the</p> <p>11 touch screen on the side, so.</p> <p>12 Q. Got it. So obviously with respect to the</p> <p>13 panels, this concern you had about Vivint using CPI</p> <p>14 equipment, obviously that didn't apply to the panel,</p> <p>15 because they put a new panel on, is that right?</p> <p>16 A. So he said they had to put a new panel in.</p> <p>17 Q. Right. Vivint needed to put a new panel</p> <p>18 in, correct?</p> <p>19 A. Yeah. So, I mean, it was upgraded. The</p> <p>20 additional equipment that we had would not be</p> <p>21 compatible, I guess, with that kind of current CPI</p> <p>22 panel with the cameras and things of that nature.</p> <p>23 Q. Right. And that panel says Vivint on it,</p> <p>24 right?</p> <p>25 A. Yeah, it says Vivint.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. It doesn't say CPI, does it?</p> <p>2 A. Piedmont Natural Gas sign says Piedmont</p> <p>3 Natural Gas. It doesn't say Duke Energy.</p> <p>4 Q. And I understand the analogies you want to</p> <p>5 draw, and that's great. But I also need you to answer</p> <p>6 the question that's pending, and that is that Vivint</p> <p>7 panel doesn't make any reference, doesn't have anything</p> <p>8 on it to suggest that it's a CPI piece of equipment,</p> <p>9 does it?</p> <p>10 A. No. I didn't know if it was a merger or</p> <p>11 anything. You know, I asked them again like how are</p> <p>12 you able to take over this stuff, and then that's when</p> <p>13 he alluded to the fact that we're one in the same. I</p> <p>14 said okay.</p> <p>15 Q. Well, are you sure -- I want you to be very</p> <p>16 careful here, because Vivint has, through companies</p> <p>17 that it started, has manufactured residential home</p> <p>18 automation and security equipment that has been</p> <p>19 utilized by other alarm companies. Were you aware of</p> <p>20 that fact?</p> <p>21 MR. EBLIN: Object to form,</p> <p>22 foundation.</p> <p>23 MR. STEWARD: Yeah, I was just asking</p> <p>24 if he was aware of that fact.</p> <p>25 A. Aware that Vivint has manufactured?</p>	<p style="text-align: right;">Page 44</p> <p>1 MR. EBLIN: Object to form.</p> <p>2 BY MR. STEWARD:</p> <p>3 Q. Go ahead.</p> <p>4 A. I really didn't know what to believe. I</p> <p>5 know one, he was already able to take over the</p> <p>6 equipment. So that's why I thought, you know, if one</p> <p>7 company is able to take over another company's</p> <p>8 equipment, that they must be one in the same as far as</p> <p>9 companies. But he just informed me that, you know,</p> <p>10 companies take over each other equipment all the time.</p> <p>11 I didn't know that prior to when that conversation with</p> <p>12 me and Craig was going on.</p> <p>13 Q. Okay. And Craig clearly identified himself</p> <p>14 as being there on behalf of the company Vivint, right?</p> <p>15 A. I believe so, yes.</p> <p>16 Q. He likely had a hat and a shirt that had</p> <p>17 Vivint on it. Do you recall that?</p> <p>18 A. I don't recall -- I think he did have a hat</p> <p>19 on, but, yeah, I know he had the shirt on.</p> <p>20 Q. And probably had some of the orange</p> <p>21 coloring that you referenced with respect --</p> <p>22 A. Yeah, I think it just had the word Vivint.</p> <p>23 Q. Vivint in orange?</p> <p>24 A. In orange, yeah.</p> <p>25 Q. Okay. Nothing on his person suggested he</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Yes. That companies with Vivint and</p> <p>2 companies within the Vivint umbrella have from time to</p> <p>3 time manufactured and made available to other</p> <p>4 companies, competitors, certain residential home</p> <p>5 automation and security equipment?</p> <p>6 MR. EBLIN: Form and foundation.</p> <p>7 A. So the guy was saying that Vivint, you</p> <p>8 know, is a bigger company. They've merged with a lot</p> <p>9 of folks, and that they have the same equipment as</p> <p>10 other companies. I didn't know who manufactured it.</p> <p>11 Q. Right. No, he didn't say that Vivint had</p> <p>12 merged with CPI, did he?</p> <p>13 A. No. What he said, I mean, he didn't really</p> <p>14 answer it clearly. He said, you know, we're one in the</p> <p>15 same.</p> <p>16 Q. Okay. And I want to be certain that you</p> <p>17 are clear in your recollection that the exact words he</p> <p>18 used are Vivint and CPI are one in the same?</p> <p>19 A. I don't know if he was referring to the</p> <p>20 companies or the equipment when he said, you know,</p> <p>21 we're one in the same.</p> <p>22 Q. Okay. So you believe he may have been</p> <p>23 referring to the equipment, not the companies, is that</p> <p>24 right?</p> <p>25 A. I believe it was --</p>	<p style="text-align: right;">Page 45</p> <p>1 was there on behalf of CPI, right?</p> <p>2 A. No, nothing, nothing on his person.</p> <p>3 Q. Okay. Okay. That's helpful.</p> <p>4 He never said that he was an employee or</p> <p>5 that he worked for CPI, did he?</p> <p>6 A. No, he never said those words, no.</p> <p>7 Q. And he didn't say that he was a partner of</p> <p>8 CPI, did he?</p> <p>9 A. He didn't say those words. Like I said,</p> <p>10 the only words that, you know, made me allude to, you</p> <p>11 know, think that they were one in the same is those</p> <p>12 exact words he said, you know, were one in the same.</p> <p>13 It was reference to a company or just equipment.</p> <p>14 Q. Or just equipment, okay perfect.</p> <p>15 A. Just was hey, get out -- because, I mean,</p> <p>16 if you come to my house to do some work, I'm going</p> <p>17 to -- I'm walking around with you. So I'm asking</p> <p>18 questions. I don't know if it was just to get me out</p> <p>19 of his way so he can go on about his day.</p> <p>20 Q. I understand. You were interested in kind</p> <p>21 of the capability of the equipment. It sounds like it</p> <p>22 was a surprise to you that one company could use</p> <p>23 another company's, at least some of their equipment, if</p> <p>24 it was compatible, right?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. And the panel, for instance, was obviously</p> <p>2 not compatible, because they had to put a Vivint panel</p> <p>3 in there to control the Vivint doorbell cam, right, or</p> <p>4 to monitor the Vivint doorbell cam, right?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Oh, yeah, let's go to -- oh, was</p> <p>7 your wife home when Craig visited you at your home?</p> <p>8 A. Yes.</p> <p>9 Q. And was she part of these conversations?</p> <p>10 Were you both interacting with Craig?</p> <p>11 A. I was more engaging with Craig, you know,</p> <p>12 but still getting her input, making sure that she was,</p> <p>13 you know, trying to see if she was comfortable with</p> <p>14 things. Like I said, my mother was there as well,</p> <p>15 because she was, you know, always think, you know</p> <p>16 because -- I mean, it sound good from when we were in</p> <p>17 the store, so we wanted her to hear it as well and get</p> <p>18 a system on her home.</p> <p>19 Q. Did she ultimately get a system?</p> <p>20 A. My mother?</p> <p>21 Q. Yeah.</p> <p>22 A. Yes.</p> <p>23 Q. And that was a Vivint system?</p> <p>24 A. Yes.</p> <p>25 Q. And do you know was Craig the sales rep for</p>	<p style="text-align: right;">Page 48</p> <p>1 involved you in this lawsuit that it has with Vivint,</p> <p>2 right? And so I apologize, but I'm just doing my job,</p> <p>3 but I do want to represent to you, you know, I'm not</p> <p>4 going to -- any personal information that --</p> <p>5 A. You can't say that to me. You just pulled</p> <p>6 up my LinkedIn. So I don't believe a word you say.</p> <p>7 Q. Well, that's -- I want you to believe what</p> <p>8 I'm saying, because -- and we can -- I can Google -- I</p> <p>9 can share a screen with you and show you exactly how I</p> <p>10 got your LinkedIn page.</p> <p>11 A. That's fine.</p> <p>12 Q. Do you want to do that?</p> <p>13 A. No. I just want to go ahead and, you know,</p> <p>14 get this over with. I didn't want to be on the phone</p> <p>15 with anybody this long. I don't like really talking</p> <p>16 and engaging too much, and it's already been over an</p> <p>17 hour of my time.</p> <p>18 Q. I understand. And, again, this was Shook</p> <p>19 Hardy who set this up, not me. So did Shook Hardy,</p> <p>20 they from time to time send witnesses LinkedIn messages</p> <p>21 to try to contact them. Did you receive a LinkedIn</p> <p>22 message from Shook Hardy?</p> <p>23 A. That I'm aware of?</p> <p>24 Q. That's a no?</p> <p>25 A. I mean, not that I'm aware of. Like you</p>
<p style="text-align: right;">Page 47</p> <p>1 your mother's system?</p> <p>2 A. Yeah, I mean, we were all here in my living</p> <p>3 room.</p> <p>4 Q. Okay. And then he said -- and then at some</p> <p>5 point, presumably, they went and installed the system</p> <p>6 at your mother's house, is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And I don't think I got your</p> <p>9 mother's name?</p> <p>10 A. I didn't give it. I'm not going to give</p> <p>11 it.</p> <p>12 Q. Okay, that's fair.</p> <p>13 Does she have the same last name as you?</p> <p>14 A. Maybe.</p> <p>15 Q. Okay, all right. And just to put you at</p> <p>16 ease --</p> <p>17 A. I tell you, I mean, you said earlier like</p> <p>18 you see I'm pretty, you know, close to the vest type</p> <p>19 thing.</p> <p>20 Q. Yeah, yeah, and, yeah, and I totally</p> <p>21 respect that and I understand. You probably never had</p> <p>22 your deposition taken before, right?</p> <p>23 A. No.</p> <p>24 Q. Okay. And, you know, I apologize for</p> <p>25 taking your time, but CPI is the one who kind of</p>	<p style="text-align: right;">Page 49</p> <p>1 saw there's some unread messages.</p> <p>2 Q. Okay. Right. Okay. So they may have, and</p> <p>3 you may not have read them, but you didn't leave a</p> <p>4 message for Shook Hardy on your LinkedIn?</p> <p>5 MR. EBLIN: Object to form.</p> <p>6 MR. STEWARD: And I'll withdraw that.</p> <p>7 It doesn't matter.</p> <p>8 Q. Do you recall the equipment that you had</p> <p>9 with CPI?</p> <p>10 A. The equipment that I had with CPI?</p> <p>11 Q. Yes.</p> <p>12 A. I think we had the glass break, all the</p> <p>13 sensors on the windows, you know, all the sensors on</p> <p>14 the windows that's downstairs.</p> <p>15 Q. Living room motion detector?</p> <p>16 A. Living room motion detector, internal</p> <p>17 cameras.</p> <p>18 Q. You do have CPI internal cameras?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Those weren't on the schedule of</p> <p>21 equipment. Were those part of the original install?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. How many internal cameras do you</p> <p>24 have with CPI?</p> <p>25 A. Two.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. Okay. Sounds like you didn't have a 2 doorbell camera with CPI, correct? 3 A. No. 4 Q. No other exterior facing cameras, right? 5 A. No. 6 Q. You didn't have a smart garage controller, 7 is that right? 8 A. No. 9 Q. Okay. And I don't think you had a carbon 10 monoxide detector. I know that Vivint installed one. 11 Did you have a carbon monoxide detector with CPI, if 12 you know? 13 A. Prior to I don't. Not one that was linked 14 to a security system. 15 Q. Got it, okay. The doorbell camera was an 16 attractive feature to you, correct? 17 A. Yeah, we were, you know, talking about 18 exterior cameras. So, yeah, that was an attractive 19 feature. 20 Q. Okay. Did you, at the time that the Vivint 21 equipment was installed, were you provided information 22 regarding the smart home app, the Vivint Smart Home 23 app? 24 A. I know at first it worked very well. We 25 thought it was, you know, pretty cool, you know, until</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Sometimes, yeah. Sometimes if I look at it 2 now, it's probably going to, if I say look at a live 3 video or something, it's probably going to still tell 4 me that somebody was here from yesterday. It's now 5 like delayed. 6 Q. Okay. Have you called -- have you made any 7 services to -- made any calls to Vivint to get 8 technical assistance with your service? 9 A. I have called, yes. 10 Q. Okay. Well, I would encourage you -- 11 A. On occasion. 12 Q. I would encourage you if you are having any 13 technical issues, to call Vivint and have them address 14 those technical issues for you. I want to make sure 15 your system is functioning as you want it to. 16 A. That's not a threat, is it? 17 Q. A threat? 18 A. I'm just saying, like I said, I'm pretty -- 19 make sure the system -- 20 Q. I understand. I was laughing, because I 21 have a colleague who says, you know, some people think 22 I'm paranoid, but I just call it a higher sense of 23 awareness a heightened sense of awareness. So I 24 understand that. 25 A. I should adopt that statement.</p>
<p style="text-align: right;">Page 51</p> <p>1 the cameras and stuff started messing up and the door 2 locks telling us that it was unlocked, and it was 3 locked. But other than that, it was pretty responsive. 4 You know, we -- I think we highlighted that on a call 5 or talking to the guy that was around. 6 Q. That those were features you enjoyed? 7 A. Well, I mean, that it was a nice app, yeah. 8 Q. CPI introduced an app at one point. Did 9 you have a CPI app on your phone? 10 A. Yeah, we had the app. I don't know if I 11 was talking to CPI, or if I put it in the customer, 12 either one of those things, but I was telling them how 13 I would like to be able to, I guess, call the police 14 from the app if I needed to, or it might have been 15 them, one or the other. 16 Q. Does your doorbell camera have the deter 17 feature, such that if it senses motion, you have the 18 option for them to tell someone they're being recorded 19 by the doorbell camera? 20 A. Not that I'm aware of. I mean, it doesn't 21 do that. 22 Q. Does it record activity at the front door? 23 A. Yeah, it records like 30 seconds, yeah. 24 Q. And you can access those recordings on your 25 smart phone app, is that right?</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Would that accurately describe your 2 perspective on that? 3 A. Yeah, I mean, it was kind of out of the 4 blue, so I just wanted to see what you were saying. 5 Q. Yeah, understood. I understand. Okay. 6 Mr. Eblen had asked you about expense. Do you recall 7 the monthly monitoring rate that you were paying to 8 CPI? 9 A. Yeah, it was like originally like 25. I 10 think it was 50. 11 Q. I'll represent to you, I want to go quickly 12 to be respectful of your time, I'll represent to you 13 that without tax on the contract it was 49.99. Does 14 that sound right? 15 A. Yeah, \$50. 16 Q. And CPI also charged you in addition to the 17 \$50 a month, they also charged you for the equipment, 18 correct? 19 A. I think I was just charged around \$50 a 20 month. 21 Q. Okay. Let me pull up the CPI contract. 22 We'll mark -- this is CPI 242 is the document control 23 number, and I guess this will be Exhibit 3. 24 (The document referred to was marked 25 Deposition Exhibit Number 3 for</p>

<p style="text-align: right;">Page 54</p> <p>1 identification.)</p> <p>2 Q. Do you see the equipment installation total</p> <p>3 there of \$105.68?</p> <p>4 A. I see it.</p> <p>5 Q. And it looks like here your equipment is</p> <p>6 identified, and I do see here the two In Touch interior</p> <p>7 cameras and then the other equipment. Does this</p> <p>8 refresh your recollection about whether CPI charged you</p> <p>9 for equipment in addition to -- it's small, but I'll</p> <p>10 draw your attention, here's the monthly monitoring rate</p> <p>11 of 49.99. Does that refresh your recollection?</p> <p>12 A. Are you saying we paid the 105 up front and</p> <p>13 then the 49.99?</p> <p>14 Q. I believe that's what happened, but I</p> <p>15 wasn't there. That's just what the contract says. And</p> <p>16 if you don't recall, it's not important.</p> <p>17 A. I asked you the question thinking you were</p> <p>18 asking monthly payment. You know, I told you it was</p> <p>19 around like \$50. That initially \$106 there very well</p> <p>20 could have been, yeah.</p> <p>21 Q. Okay. And if I've done this correctly this</p> <p>22 will be Exhibit 4.</p> <p>23 (The document referred to was marked</p> <p>24 Deposition Exhibit Number 4 for</p> <p>25 identification.)</p>	<p style="text-align: right;">Page 56</p> <p>1 A. No. Are you saying that's where the 19.49</p> <p>2 monthly payment has come in?</p> <p>3 Q. Correct. In this contract, you agreed</p> <p>4 rather than pay the \$1168.98 up front, that that amount</p> <p>5 would be financed over a period of time at zero percent</p> <p>6 interest. Does that refresh your recollection?</p> <p>7 A. It might have been. Like I said, when I</p> <p>8 saw it, it was a surprise. So I don't, I don't even</p> <p>9 remember if, you know, that would be the case. You</p> <p>10 know, I don't think I would have been surprised by the</p> <p>11 additional credit card payment if I knew that up front</p> <p>12 or if I remembered it.</p> <p>13 Q. Okay. It's possible you just didn't</p> <p>14 remember that you had agreed to finance that over time,</p> <p>15 as opposed to pay it up front?</p> <p>16 A. Right.</p> <p>17 Q. Okay. And then you see the monthly service</p> <p>18 fee of 39.99?</p> <p>19 A. Yes.</p> <p>20 Q. And that is what you have been paying for a</p> <p>21 monthly service fee for your Vivint system, correct?</p> <p>22 A. That plus tax, the 41.47.</p> <p>23 Q. Right, which is in fact less than the</p> <p>24 monthly monitoring fee that you were paying CPI,</p> <p>25 correct?</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. See if I can zoom in, Mr. Hinton.</p> <p>2 Does this appear to be a copy of your</p> <p>3 Vivint contract?</p> <p>4 A. Yeah, I believe so, yeah. That's what was</p> <p>5 provided from, I think, Jose.</p> <p>6 Q. Okay. And you would agree with me that the</p> <p>7 name Vivint is prominently displayed in the upper left</p> <p>8 corner of the first page of the contract?</p> <p>9 A. Yes.</p> <p>10 Q. And I want to, on the second, you know,</p> <p>11 2.1, I guess, paragraph 2.1, under price payment</p> <p>12 financial disclosure and terms, do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Now, do you see where it says total</p> <p>15 equipment and fees \$1,168.98?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And you didn't pay that for the</p> <p>18 equipment up front, did you?</p> <p>19 A. I don't recall. Like I don't recall paying</p> <p>20 the CPI equipment up front.</p> <p>21 Q. I'll represent to you that you didn't pay</p> <p>22 this, and the contract you agreed that this amount</p> <p>23 would be financed at zero percent interest. Does that</p> <p>24 refresh your recollection of that?</p> <p>25 MR. EBLEN: Object to form.</p>	<p style="text-align: right;">Page 57</p> <p>1 A. You add the 19.49, no.</p> <p>2 Q. Yeah, but I need you to separate the cost</p> <p>3 of the equipment from the monthly monitoring rate,</p> <p>4 because, you know, Vivint would take very seriously the</p> <p>5 allegation that it lied to you that it would provide a</p> <p>6 lower monthly monitoring rate, and it is in fact true</p> <p>7 that the Vivint account provides a lower monthly</p> <p>8 monitoring rate, correct?</p> <p>9 A. You're putting monitor in there. They</p> <p>10 said, you know, monthly costs.</p> <p>11 Q. Well, let's use the words from the</p> <p>12 contract. It says monthly service fees, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And does that appear to be your</p> <p>15 signature at the bottom right of this contract?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And the date of November 27, 2018?</p> <p>18 A. Yes.</p> <p>19 Q. Does it appear to be the date? Okay.</p> <p>20 When you, as part of finalizing the</p> <p>21 purchase of the Vivint account, do you recall having a</p> <p>22 discussion with somebody who was appearing remotely,</p> <p>23 either through a tablet or on a phone, a corporate</p> <p>24 representative of Vivint, someone --</p> <p>25 A. Yeah, it was somebody that Craig had</p>

<p style="text-align: right;">Page 58</p> <p>1 called.</p> <p>2 Q. Right. So Craig called the Vivint</p> <p>3 corporate and put you on, was it on a tablet or a</p> <p>4 phone, if you recall?</p> <p>5 A. I think we were talking on the phone and he</p> <p>6 had a tablet.</p> <p>7 Q. Okay. And do you recall that Vivint</p> <p>8 representative, who was on the phone, asking you</p> <p>9 whether you had an existing home security system with</p> <p>10 any company?</p> <p>11 A. I don't recall.</p> <p>12 Q. Okay. You don't recall.</p> <p>13 Do you recall that individual asking you</p> <p>14 whether you understood that Vivint was not affiliated</p> <p>15 with your previous or existing provider of home</p> <p>16 security?</p> <p>17 A. I don't recall. I don't recall talking</p> <p>18 much, you know, much reflect on the call with the</p> <p>19 person that was on the phone, mostly just with the</p> <p>20 person that was in the house.</p> <p>21 Q. Okay. So you just don't recall -- you're</p> <p>22 not saying no, I didn't confirm that I understood that</p> <p>23 Vivint wasn't affiliated with CPI, you just don't have</p> <p>24 a recollection of whether he said that, is that fair?</p> <p>25 A. That's fair. But I'm pretty sure they like</p>	<p style="text-align: right;">Page 60</p> <p>1 that you made a telephone call to CPI on December 13,</p> <p>2 17 days after the entering into the Vivint contract to</p> <p>3 ask for a copy of the contract and an invoice with</p> <p>4 respect to how much was still owed on that contract.</p> <p>5 And my question is do you recall -- as you</p> <p>6 sit here today, do you recall that phone call?</p> <p>7 MR. EBLN: Object to form.</p> <p>8 A. I mean, you're starting to jog my memory.</p> <p>9 Q. Okay. So now you're recalling that that</p> <p>10 phone call did take place, is that right?</p> <p>11 A. I mean, we probably did.</p> <p>12 Q. And I'll represent to you that the</p> <p>13 conclusion, they basically said it's the weekend.</p> <p>14 Customer service isn't here anymore. And I will let</p> <p>15 them know you want a copy of your contract.</p> <p>16 Does that refresh your recollection?</p> <p>17 MR. EBLN: Object to form.</p> <p>18 A. Yeah, I think we ended up getting it in</p> <p>19 like an email or something.</p> <p>20 Q. Exactly. They said they were going to put</p> <p>21 it in the cue for someone to email a copy of the CPI</p> <p>22 contract. Do you recall that?</p> <p>23 A. They probably said those words. I think we</p> <p>24 received it in the email, yeah.</p> <p>25 Q. Okay. And so it sounds like you had a</p>
<p style="text-align: right;">Page 59</p> <p>1 monitor, all calls are recorded. And if you can play</p> <p>2 it back, jog my memory, that would be good.</p> <p>3 Q. Yeah, and I may do that.</p> <p>4 But I want to continue on this timeline,</p> <p>5 because there was an event that Mr. Eblen, it was</p> <p>6 actually in the documents that they produced, but he</p> <p>7 didn't go you about.</p> <p>8 And do you recall on or about December 13,</p> <p>9 2018, okay, so we're talking about approximately 17</p> <p>10 days after the Vivint system was installed, do you</p> <p>11 recall you and your wife being on the phone with CPI</p> <p>12 and asking for a copy of the contract to determine how</p> <p>13 much was left on that contract?</p> <p>14 MR. EBLN: Object to form.</p> <p>15 A. I didn't recall it until maybe you just</p> <p>16 brought it up.</p> <p>17 Q. Okay. Do you remember asking -- I mean,</p> <p>18 you understood when you entered into the contract with</p> <p>19 Vivint that you still had a contract with CPI, correct?</p> <p>20 A. That we were under two contracts?</p> <p>21 Q. Yeah.</p> <p>22 A. Oh, I guess so, we had at some point in</p> <p>23 time.</p> <p>24 Q. Well, I'll represent to you, and I'll ask</p> <p>25 your wife about this, but you were both on the call,</p>	<p style="text-align: right;">Page 61</p> <p>1 recollection of sometime after that phone call of</p> <p>2 receiving an email with the CPI contract?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And I guess -- here's my confusion.</p> <p>5 If you thought that Vivint and CPI were one in the</p> <p>6 same, having just purchased the Vivint system, why</p> <p>7 would you be calling CPI and asking for them to send</p> <p>8 you a copy of your contract? And I'm not saying you're</p> <p>9 not being truthful here today. I'm confused by that</p> <p>10 fact.</p> <p>11 A. I don't care to lie for anybody. I am not</p> <p>12 getting anything out of this. I just don't care to lie</p> <p>13 in general. So your comments about me being truthful</p> <p>14 is if I don't remember, I don't remember. The -- what</p> <p>15 I say I remember, that's what I do remember.</p> <p>16 Q. Okay. And so I want to come back to what</p> <p>17 is sort of the critical factor.</p> <p>18 When you believed that the sales rep made a</p> <p>19 statement that caused you to believe there was some</p> <p>20 connection between the companies, you don't recall</p> <p>21 whether he was referring to the equipment or the</p> <p>22 companies, right?</p> <p>23 MR. EBLN: Object to form.</p> <p>24 A. Right.</p> <p>25 Q. Okay. So let's fast forward. We've got</p>

<p style="text-align: right;">Page 62</p> <p>1 the November 27 purchase. We've got the call to CPI 2 asking for a copy of the contract. You believe they 3 emailed that to you. The next time that it appears 4 that you called CPI was on June -- let me just make 5 sure I have this right -- oh, yeah on -- well, do you 6 have a recollection on calling CPI on June 2, 2020 and 7 telling them that you wanted to cancel because you had 8 Vivint installed and no longer needed CPI? 9 MR. EBLN: Object to form. 10 A. Yeah, we probably, probably did. I mean, I 11 think we was coming up on the end of that contract, or 12 we were coming up on the end of that contract, and 13 there was, you know, no need to continue on or have 14 them believe that we would continue on, so. 15 Q. And the notation said that you told them 16 that it wasn't anything CPI did. You had just decided 17 to go to Vivint. Does that sound right? 18 A. Yeah, I mean -- 19 MR. EBLN: Object to form. 20 A. Yeah, there's no need for them to call me 21 back. I mean, it was, you know, we was just going to, 22 you know, part ways. 23 Q. Right. You had made the decision to go to 24 Vivint, and you no longer needed the CPI contract, 25 right?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. That, I believe, was a guy. 2 A. Black male? 3 Q. Yeah, it may be. I don't have a copy of 4 that call. A recording wasn't provided, but in a 5 subsequent call that was recorded, you referenced that 6 discussion with that individual. 7 Does that refresh your recollection? 8 A. Yeah, I don't know if it was the same day, 9 but I know the conversation occurred. 10 Q. Okay. And on that call, that individual 11 told you that, you know, you should look into this 12 company Vivint. You should look at their BBB ratings, 13 you know, and think about your decision. 14 Do you recall something along those lines? 15 MR. EBLN: Object to form. 16 A. Yeah, I had mentioned that earlier, yeah. 17 Q. And then there's a notation on six days 18 later, and I also don't have a copy of this call, but 19 there's a notation CPI produced that says you called on 20 June 8, and it was you, your name, Johgre. Did I get 21 that right, Johgre? 22 A. That's correct. 23 Q. Johgre wants to cancel, because he already 24 started service with another company and doesn't want 25 to pay anymore, and he doesn't use the CPI system?</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Well, I wouldn't have been able to get out 2 of the contract with Vivint, so, I mean, just go ahead 3 and finish that out for, I think at that time it would 4 have been like three years. 5 Q. Okay. I'll represent -- well, did you ever 6 call Vivint and make a complaint about Craig Darrow, 7 the sales representative? 8 A. I don't know. I think we did complain 9 about someone. I don't know if we called about Craig, 10 or if we called about the guy that was hanging around 11 the neighborhood. 12 Q. Okay. And then -- and I don't have a copy 13 of these calls. For some reason, they weren't 14 produced. I don't have a copy of the June 2 call, if 15 it was recorded. 16 Then there was a call later that day, also 17 on June 2, also which if it was recorded, we weren't 18 provided, and the customer said he wanted to cancel 19 service because he went with Vivint. 20 Do you have a recollection of that 21 subsequent call telling CPI you wanted to cancel 22 because you had gone with Vivint? 23 MR. EBLN: Object to form. 24 A. Probably so. You know who the 25 representative was for that? Was that a guy or a girl?</p>	<p style="text-align: right;">Page 65</p> <p>1 A. Um-hum. 2 Q. Do you have a recollection of calling on 3 June 8 and again asking for a copy of the contract and 4 telling them you want to cancel, and that you don't use 5 the CPI system? 6 MR. EBLN: Object to form. 7 A. What you just said that conversation 8 happened on the 2nd? 9 Q. There's a subsequent call on the 8th where 10 here you're reinforcing your desire to cancel, but 11 you're also asking, again, for a copy of your contract. 12 Do you recall that? 13 A. Probably so. I know I also received, I 14 think, a copy of Vivint's contract. It was either the 15 6th or the 10th or around that same time, the 8th or 16 the 10th, around that same time. 17 Q. Okay. And then ultimately, I believe, CPI 18 canceled your service on, I think July of 2020 was the 19 last time that they debited your credit card for that 20 monthly monitoring rate. Does that sound right to you? 21 A. Maybe. I don't know if it was -- I think 22 the contract we started in June. So if we pay in 23 advance or if you pay in arrears, so, possibly. 24 Q. You're right. As I looked at -- well, it's 25 not clear. It looks to me like 7-1-2020, but they for</p>

<p style="text-align: right;">Page 66</p> <p>1 sure billed you for June of 2020, but it's not clear to</p> <p>2 me whether they billed you in July. It looks like they</p> <p>3 did bill you in July. Let me pull this up and see if</p> <p>4 this refreshes your recollection. And I agree with you</p> <p>5 it was past the 60-month period, and I don't know why</p> <p>6 that would be, but let's look.</p> <p>7 This is a document produced by CPI, Bates</p> <p>8 control number or document control number 244, and this</p> <p>9 is -- I've got this on my screen in what we call the</p> <p>10 native format, because it's an Excel spreadsheet. It's</p> <p>11 very difficult to create a PDF that's legible.</p> <p>12 Can you read this, or do I need to enlarge</p> <p>13 it?</p> <p>14 A. It's fine.</p> <p>15 (The document referred to was marked</p> <p>16 Deposition Exhibit Number 5 for</p> <p>17 identification.)</p> <p>18 Q. Okay. And I'm under the tab on the far</p> <p>19 right, payment history. Do you see that?</p> <p>20 A. I see it, yes.</p> <p>21 Q. Okay. And it looks to me like -- so this</p> <p>22 goes all the way back to July or June 2015.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And these are all of the -- I</p>	<p style="text-align: right;">Page 68</p> <p>1 THE VIDEOGRAPHER: It's 2:29 p.m.,</p> <p>2 we're off the record.</p> <p>3 (Recess.)</p> <p>4 THE VIDEOGRAPHER: The time is</p> <p>5 2:39 p.m. We're back on the record.</p> <p>6 BY MR. STEWARD:</p> <p>7 Q. Mr. Hinton, we had previously talked about</p> <p>8 a phone call you had with CPI in June of 2020 where you</p> <p>9 discussed the controversy around Ken Gill, the CEO of</p> <p>10 CPI. Do you recall that?</p> <p>11 A. Yeah, I probably had some mention of it,</p> <p>12 yeah.</p> <p>13 Q. And this call was with a customer service</p> <p>14 representative by the name of Kay, and she appears to</p> <p>15 have the voice of a female. I don't know if that's</p> <p>16 appropriate to say in these times but she sounded like</p> <p>17 a woman. Do you recall having a conversation in June</p> <p>18 of last year with a female representative from CPI?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And do you recall, and I'll</p> <p>21 represent to you that this is the first time that the</p> <p>22 issue of this confusion about the companies or the</p> <p>23 equipment came up. Do you have a recollection of</p> <p>24 raising that concern you had about the equipment or the</p> <p>25 companies at any time prior to this call with anybody</p>
<p style="text-align: right;">Page 67</p> <p>1 believe that they had -- was it a credit card or a</p> <p>2 debit card that you used to pay CPI?</p> <p>3 A. I'm not sure.</p> <p>4 Q. Okay. But it was an automatic? You didn't</p> <p>5 mail a check in every month? It came out of an</p> <p>6 account?</p> <p>7 A. Yes. automatic draft.</p> <p>8 Q. Right, okay. Just to tie this issue off,</p> <p>9 it looks like there's an auto pay of -- charge for</p> <p>10 \$105.68 on June 24, 2015. Do you see that?</p> <p>11 A. Yeah, I see it.</p> <p>12 Q. Okay. So you would agree with me it looks</p> <p>13 like that's the exact same amount as the equipment</p> <p>14 charge from CPI. So it looks like you did in fact pay</p> <p>15 for that equipment up front?</p> <p>16 A. Right.</p> <p>17 Q. Yeah, okay. And then you called --</p> <p>18 MR. STEWARD: Mr. Hinton, the court</p> <p>19 reporter has asked that we take a brief</p> <p>20 five-minute break. So if you need a glass</p> <p>21 of water, go to the restroom or anything,</p> <p>22 this would be a good time to do that.</p> <p>23 THE WITNESS: Good to go.</p> <p>24 MR. STEWARD: Thanks. It is 12:29 my</p> <p>25 time, so let's go back at 12:35.</p>	<p style="text-align: right;">Page 69</p> <p>1 from Vivint or CPI?</p> <p>2 MR. EBLIN: Object to form.</p> <p>3 A. I don't recall.</p> <p>4 Q. Okay. And I'll indicate to you on this</p> <p>5 call do you recall that -- well, let me back up.</p> <p>6 Kay, the CPI representative, basically told</p> <p>7 you that Vivint was a fraudulent company.</p> <p>8 Do you recall that?</p> <p>9 MR. EBLIN: Object to form.</p> <p>10 A. I don't know if she used those words.</p> <p>11 Q. You don't recall her saying that Vivint</p> <p>12 engages in this type activity with lots of people or</p> <p>13 anything to that effect?</p> <p>14 A. Yeah, this is following a call that I had</p> <p>15 with the guy?</p> <p>16 Q. Correct.</p> <p>17 A. Yeah, yeah, I remember that. I think she</p> <p>18 was -- I don't know if she was part of the legal team</p> <p>19 or somebody that was, you know, investigating the issue</p> <p>20 or not.</p> <p>21 Q. Because she had called you, right?</p> <p>22 A. Right.</p> <p>23 Q. You had already called to cancel. This is</p> <p>24 her now calling you?</p> <p>25 A. I think she just wanted like some</p>

<p style="text-align: right;">Page 70</p> <p>1 background information on, you know, why I was leaving 2 or whatever.</p> <p>3 Q. Right. But she didn't just provide 4 background information, she actually instructed you to 5 take certain actions to try to get out of your Vivint 6 contract. Do you recall that?</p> <p>7 A. I was talking with that guy before. He was 8 saying I don't want to lead you, you know, let you 9 think for yourself, but, you know, you can go look on 10 the Better Business Bureau. And after that, I had saw 11 that, and that's when I started, okay, well, maybe we 12 should try to take action. And then at some point, I 13 had a conversation with Kay, I think that was her name 14 that you just said, Kay.</p> <p>15 Q. Kay.</p> <p>16 A. And she was telling -- whatever the legal 17 term is about, you know, dual contracts or something 18 like that.</p> <p>19 Q. Do you recall telling Kay what the sales 20 rep told you was that he would buy out your CPI 21 contract?</p> <p>22 A. Possibly, yeah, something like that.</p> <p>23 Q. Yeah, okay. And if Vivint and CPI were 24 somehow one company, you know, Vivint wouldn't be 25 offering to buy out your CPI contract, right? That</p>	<p style="text-align: right;">Page 72</p> <p>1 you know, more likely to jump on and do something about 2 that, but I don't recall taking any action on it.</p> <p>3 Q. Okay. So just so we've got our records 4 clear, yes, you recall Kay telling you you should 5 complain to the North Carolina Attorney General, 6 correct?</p> <p>7 MR. EBLIN: Object to form.</p> <p>8 A. Yes.</p> <p>9 Q. And two, that you didn't in fact call to 10 complain to the North Carolina Attorney General. 11 Do I have that right?</p> <p>12 A. I don't, I don't think I called, no.</p> <p>13 Q. Okay. She also instructed you to call the 14 Vivint legal department and make a complaint. 15 Did you call the Vivint legal department 16 and make a complaint?</p> <p>17 A. I called Vivint and was just asking, I 18 think it was just a customer, customer rep, I don't 19 think it was the legal department.</p> <p>20 Q. Okay. And that's where, and the notation 21 on that call is you said that Vivint agreed to buy out 22 your CPI contract. Does that refresh your recollection 23 regarding that call?</p> <p>24 A. What? Talking to Vivint?</p> <p>25 Q. Yeah.</p>
<p style="text-align: right;">Page 71</p> <p>1 doesn't make sense.</p> <p>2 MR. EBLIN: Object to form.</p> <p>3 A. I don't know, you know, the terms that 4 people use to, you know, try to keep it in layman's 5 terms for the individual customers. Like I call 6 Delisha my wife, but she's not my wife, she's my life 7 partner. You know, she's more than my wife, but I use 8 wife, so you get on with your day.</p> <p>9 Q. That makes sense to me.</p> <p>10 Do you recall Kay telling you that if you 11 wanted to get out of your Vivint contract, what you 12 should do is call the North Carolina Attorney General 13 and make a complaint? Do you recall that?</p> <p>14 A. Yeah.</p> <p>15 Q. Yeah. Did you call the North Carolina 16 Attorney General and make a complaint?</p> <p>17 A. I don't, I don't know. I mean, I don't 18 recall. I try to live a drama free, you know, 19 messless(sic) life, and I felt like it was just messy, 20 and I didn't know if I wanted to really get into all of 21 that.</p> <p>22 I think she had said -- yeah, she had said 23 that, because she was saying, you know, something about 24 change in administration, you know, people want to win 25 over folks and things. You know, they are probably,</p>	<p style="text-align: right;">Page 73</p> <p>1 A. I don't, I don't know.</p> <p>2 Q. Okay. It doesn't refresh your recollection 3 that the notation says that you were calling because 4 the rep said he would buy out the CPI contract?</p> <p>5 MR. EBLIN: Object to form.</p> <p>6 A. Say it again?</p> <p>7 Q. Yeah, I apologize.</p> <p>8 In June of 2020, approximately the same 9 time that you called Vivint, do you recall that call?</p> <p>10 A. Yeah, I called Vivint and CPI, you know, 11 too many times. I just want service. I don't need to 12 talk to these people all the time, but, yeah, I called 13 them too many times.</p> <p>14 Q. Right. And do you have a recollection of 15 tell Vivint that you were calling because Vivint was 16 supposed to buy out your CPI contract?</p> <p>17 A. Something along those terms, yeah, but, you 18 know, I guess from CPI, they were saying, you know, you 19 can't be in dual contracts with folks.</p> <p>20 Q. Right. And so let's go back on that topic. 21 Let's go back -- oh, do you recall calling CPI, I think 22 they had called you actually. Do you recall receiving 23 a call from CPI or calling CPI in October -- on 24 October 20 of 2020, that they were going to meet with 25 you to assist in getting out of Vivint?</p>

<p style="text-align: right;">Page 74</p> <p>1 A. In October?</p> <p>2 Q. Yes.</p> <p>3 A. So months after?</p> <p>4 Q. Yeah. And, you know, they haven't produced</p> <p>5 recordings for any of these. All they have is customer</p> <p>6 notes. And so my recollection --</p> <p>7 A. They said we had a conversation?</p> <p>8 Q. It says: Spoke to MR. Was going into --</p> <p>9 oh, going into a meeting to assist with getting out of</p> <p>10 Vivint. Spoke to MR. So that may not be a phone call</p> <p>11 with you, I apologize.</p> <p>12 But let me just ask. Do you recall in</p> <p>13 October of 2020 having a phone call with CPI, either</p> <p>14 initiated by you or CPI?</p> <p>15 A. They might have called and I probably told</p> <p>16 them I was going into a meeting. If we did have a</p> <p>17 conversation, like I said, at that point, you know, we</p> <p>18 was out of the contract with CPI. I didn't want to get</p> <p>19 into a mess. I don't want to be here today, really.</p> <p>20 Q. And I understand, and I apologize. Again,</p> <p>21 I'm doing my job. CPI has sued Vivint. It's made some</p> <p>22 very serious allegations in that lawsuit about Vivint</p> <p>23 conduct, and my client Vivint is entitled to defend</p> <p>24 itself.</p> <p>25 A. That's cool. And just to be respectful of</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Yeah, I see that.</p> <p>2 Q. Okay.</p> <p>3 A. 17 leading up to the 49.99, yes.</p> <p>4 Q. Right. And you had clearly called them and</p> <p>5 told them you wanted to cancel at least at June 2,</p> <p>6 2020. Do you know why they continued to charge you or</p> <p>7 charge your card after that date?</p> <p>8 A. As previously mentioned, I don't know if</p> <p>9 they, you know, pay in advance or pay in arrears. But</p> <p>10 if you are suggesting I should, you know, go, you know,</p> <p>11 get my 49.99 plus tax.</p> <p>12 Q. Well, it looks to me like your contract</p> <p>13 would have expired in May of 2020, and that you were</p> <p>14 charged for June and July. So I'm not going to tell</p> <p>15 you what to do, but it just looks to me from CPI's</p> <p>16 records that they charged you for a greater period of</p> <p>17 time than the 60 months you were under contract with</p> <p>18 them.</p> <p>19 MR. EBLEN: Object to form.</p> <p>20 BY MR. STEWARD:</p> <p>21 Q. Do you monitor these monthly charges that</p> <p>22 come directly off a card or account?</p> <p>23 A. In a way.</p> <p>24 Q. Were you aware that you were charged in</p> <p>25 both June and July of 2020 by CPI?</p>
<p style="text-align: right;">Page 75</p> <p>1 our time, I think you only asked for like 30 minutes.</p> <p>2 It's been over an hour and a half, and it's supposedly</p> <p>3 to get into Delisha's deposition, and I know she has</p> <p>4 some things that she has to do, so.</p> <p>5 Q. I'll understand. I will be quick. But</p> <p>6 understand, I didn't tell you that it would be 30</p> <p>7 minutes. I'm guessing that Shook Hardy attorneys, who</p> <p>8 asked you to appear today, told you it would be 30</p> <p>9 minutes.</p> <p>10 So, again, they've made some very serious</p> <p>11 allegations and statements about my client, and this is</p> <p>12 my client's opportunity to get, you know, your story;</p> <p>13 and so that's what we're doing. But I will be as</p> <p>14 respectful of your time as I can be.</p> <p>15 Let's go back to the payment history. This</p> <p>16 again, these are CPI's records. We established that</p> <p>17 they first charged you in June of 2015, and that it was</p> <p>18 a 60-month contract, is that correct?</p> <p>19 A. Right.</p> <p>20 Q. Okay. And then as we go down, it looks to</p> <p>21 me like the final charge was actually July of 2020. Do</p> <p>22 you see that? There's a charge for 32.99?</p> <p>23 A. Yeah, I see that.</p> <p>24 Q. And then there's charges for \$5, \$5, \$2,</p> <p>25 and \$5. Do you see those?</p>	<p style="text-align: right;">Page 77</p> <p>1 A. Maybe. Maybe at the time. Again, thinking</p> <p>2 like not being sure, you know, you pay up front or in</p> <p>3 arrears.</p> <p>4 Q. Right. I'll indicate the payment record</p> <p>5 seems to be from each and every month from June of 2015</p> <p>6 to July of 2020, so.</p> <p>7 Let's turn to the conversation, and let me</p> <p>8 stop sharing this and share a different screen with</p> <p>9 you. I think we're on 6, Marisa, if I have that right.</p> <p>10 A. Is 3 and 4 the audio? I think we just</p> <p>11 looked at 2, 5 and 6.</p> <p>12 Q. I will have to go back. We looked at both</p> <p>13 CPI and the Vivint contracts, and I'm trying to see</p> <p>14 what else -- oh, yeah, before I go here, I actually</p> <p>15 want to look at a different, and this was associated,</p> <p>16 so this will be 6.</p> <p>17 (The document referred to was marked</p> <p>18 Deposition Exhibit Number 6 for</p> <p>19 identification.)</p> <p>20 Q. And this was produced by Vivint. This was</p> <p>21 in their records.</p> <p>22 First, let me ask you if you recognize this</p> <p>23 document, and whether you recall providing a copy of</p> <p>24 this document to Vivint?</p> <p>25 A. I think Vivint was asking me about the</p>

<p style="text-align: right;">Page 78</p> <p>1 first or something?</p> <p>2 Q. Yeah, I think, but tell me what your</p> <p>3 recollection is, I think you shared this with Vivint to</p> <p>4 establish what you were paying CPI for a buyout, but I</p> <p>5 want to know if you recall sending this to Vivint? And</p> <p>6 if you don't, let me know that as well.</p> <p>7 A. I think they were asking, I guess, for</p> <p>8 proof of what I was paying, so I guess they could</p> <p>9 credit me or something like that.</p> <p>10 Q. Okay. That's my understanding as well.</p> <p>11 And it looks like you provided them -- this</p> <p>12 is your CPI monthly rate, is that right?</p> <p>13 A. Right.</p> <p>14 Q. Okay. And did you receive a credit from</p> <p>15 Vivint, to your knowledge?</p> <p>16 A. I believe so. I believe so.</p> <p>17 Q. Yeah, that's my understanding as well.</p> <p>18 A. Delisha just messaged. She said she got to</p> <p>19 run at 3:15, so if you can't get to her before that</p> <p>20 then --</p> <p>21 Q. Okay. Her deposition was also noticed by</p> <p>22 CPI's attorneys, not me. So I didn't subpoena her. So</p> <p>23 I don't, you know, she has to do what she has to do,</p> <p>24 but.</p> <p>25 A. Yeah, I don't think she has any -- like I</p>	<p style="text-align: right;">Page 80</p> <p>1 caused that controversy?</p> <p>2 A. Pretty much he just, you know, just the</p> <p>3 things and the events that was going on, I guess, in</p> <p>4 the Charlotte area. He had, you know, said some</p> <p>5 negative things about the black community.</p> <p>6 Q. Right. He said -- what happened was</p> <p>7 somebody had sent an email on, I think this was during</p> <p>8 the George Floyd tragedy and kind of the awareness</p> <p>9 around police reform, and somebody had sent him an</p> <p>10 email about police reform, and his response was</p> <p>11 quote -- this email got leaked -- can you see the</p> <p>12 screen? I'll enlarge it?</p> <p>13 A. Yeah, I mean, it doesn't matter what he</p> <p>14 said, so go ahead.</p> <p>15 Q. Well it says: "George, please spend your</p> <p>16 time in a more productive way. I challenge your</p> <p>17 statistics. A better use of time, would be to focus on</p> <p>18 the black on black crime and senseless killing of our</p> <p>19 young men by other young men. Have a great day, Ken</p> <p>20 Gill. Do you see that?</p> <p>21 A. I see it.</p> <p>22 Q. And was this the issue that you brought up</p> <p>23 with Kay on your call with her in June of 2020?</p> <p>24 A. Yeah, I think people were -- I think they</p> <p>25 were concerned that that's why they might have been</p>
<p style="text-align: right;">Page 79</p> <p>1 said, I was the one that was pretty much engaged with</p> <p>2 CPI, so I don't know if she has any more --</p> <p>3 Q. Yeah, I think the only thing that she was</p> <p>4 primarily involved in was that December 13th call to</p> <p>5 Vivint. You were on that call as well, but I believe</p> <p>6 she initiated that call, that's where she wanted a pay</p> <p>7 off amount. She asked for CPI to email the contract</p> <p>8 and the invoice, and she had started that call.</p> <p>9 Does that refresh your recollection?</p> <p>10 A. I probably started it, and she was just</p> <p>11 speaking if I was doing something else at the time.</p> <p>12 But it's -- pretty much any engagement that you all</p> <p>13 need to have is with me. She can't provide you</p> <p>14 anything more than I can.</p> <p>15 Q. Understood. And I would agree with you</p> <p>16 that other than that December 13 phone call, I didn't</p> <p>17 see or hear anything that had Delisha's voice or name</p> <p>18 on it. But, again, I didn't notice her deposition, so.</p> <p>19 Oh, let's go to -- this is one I wanted to</p> <p>20 reference. I actually did want to ask Delisha about</p> <p>21 this, but you may know what her perspective is. We had</p> <p>22 talked about this controversy around Ken Gill, the CEO</p> <p>23 of CPI. Do you recall that?</p> <p>24 A. Yeah, I remember that.</p> <p>25 Q. And what do you recall about that? What</p>	<p style="text-align: right;">Page 81</p> <p>1 losing a customer.</p> <p>2 Q. Right. And because a number of North</p> <p>3 Carolina prominent organizations elected to terminate</p> <p>4 the relationship with CPI as a result of these</p> <p>5 statements. Do you recall that?</p> <p>6 A. Yeah, this is an area, you know, at the</p> <p>7 time of cancel culture, so yeah.</p> <p>8 Q. And so were you aware that North Carolina</p> <p>9 State Athletics Program terminated its relationship</p> <p>10 with CPI?</p> <p>11 A. You recall my memory to you know, memory to</p> <p>12 it, so.</p> <p>13 Q. Yes?</p> <p>14 A. Yeah, I mean, you just jogged my memory to</p> <p>15 it.</p> <p>16 Q. Let me just run through this. I just</p> <p>17 wanted to see if you were aware of these organizations</p> <p>18 terminated their relationship with CPI as a result of</p> <p>19 its CEO, Ken Gill's, comments. North Carolina State</p> <p>20 Athletics, were you aware of that?</p> <p>21 MR. EBLN: Object to form.</p> <p>22 A. You're jogging my memory now.</p> <p>23 Q. And your wife works for North Carolina,</p> <p>24 isn't that correct?</p> <p>25 A. That's correct.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. And the Charlotte Hornets, at least 2 partially owned by Michael Jordan, also terminated 3 their relationship with CPI. Were you aware of that? 4 MR. EBLN: Object to form. 5 A. Possibly. Like I said, I don't remember 6 all the companies. I mean, they're all in Charlotte. 7 CPI is in Charlotte. I'm pretty sure that they were 8 working together, so. 9 Q. Right. But my question is if you have 10 knowledge, because a lot of this was in the news, if 11 you have knowledge that the Bojangles' organization 12 terminated its relationship with CPI as a result of 13 those comments? 14 MR. EBLN: Object to form. 15 A. Another, you know, North Carolina company, 16 I think that Charlotte, probably the football team as 17 well. 18 Q. Yeah, the Carolina Panthers did as well. 19 It sounds like you had recollection of that? 20 A. Yeah, I haven't watched them since how they 21 treated, you know, Kaepernick, so. 22 Q. Right, understood. Were you personally 23 offended by the comments of the CEO Ken Gill about the 24 Black Lives Matter and the police reform issues that 25 were so present at this time period?</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Right, but my question is -- 2 A. Does the comment bother me? I'm a black 3 male, you know, yeah, but I understand that we need to 4 teach white privileged males and to make them aware of, 5 you know, the blindness that they have to these types 6 of situations. So it was insensitive, but, you know, 7 if we hold him accountable to it, you teach him, and he 8 doesn't learn from it, then, you know, you cancel him, 9 you know, but. 10 Q. Right, I understand that. That's a very 11 developed view of the world. My question was do you 12 remember her, Kay telling you -- 13 A. I don't. I don't -- I do now when you jog 14 my memory. I do now, just basically her being, trying 15 to, I guess, be empathetic to the situation. As you 16 assumed, you thought I was as bothered by the comment 17 being a black male, but, you know. 18 Q. Right. Well, I mean, I would ask the same 19 questions if you were not a black male, just because I 20 think that comments like that did have an influence on 21 people's perception of Mr. Gill, if not CPI, because of 22 the association. 23 A. I didn't even know he was the -- who the 24 CEO of CPI was prior to this comment. 25 Q. Right. Right. This sort of put him on the</p>
<p style="text-align: right;">Page 83</p> <p>1 MR. EBLN: Object to form. 2 A. Kind of diversity and inclusion, you know, 3 especially being prevalent topics, I think that he just 4 needs to be aware. I now know people that work at CPI. 5 I don't think that they should, you know, not be able 6 to have a job or be concerned about their jobs because 7 of what, you know, one person says. I just think he 8 needs some, you know, just some awareness. 9 Q. Right. Do you think that his comments in 10 this regard damaged CPI's reputation? 11 MR. EBLN: Object to form. 12 A. I'm not, I'm not sure. Other than what you 13 just said about, you know, companies, you know, 14 severing their partnership, I'm not sure of the other 15 impacts that led to that -- you know, probably they 16 lost some customers, because that's one of Kay's 17 concerns, but other than that, I'm not sure of any 18 negative impacts. 19 Q. Do you recall telling Kay, the CPI customer 20 service -- you raised this issue about the CEO's 21 comments. Do you recall her telling you she was an 22 Hispanic female, and that she was bothered by 23 Mr. Gill's comments? 24 MR. EBLN: Object to form. 25 A. That's, you know, her preference, I mean.</p>	<p style="text-align: right;">Page 85</p> <p>1 map. Let me just check my notes. I think oh, do you 2 recall, you know, Delisha had asked CPI to send her an 3 invoice with the amount remaining on the contract. Do 4 you recall if you or Delisha ever received an invoice 5 from CPI identifying the amount left on the CPI 6 contract? 7 A. I was asking if he was referring following 8 that December phone call. I don't recall if we 9 received that. I mean, I could check the emails. 10 Q. Okay. Oh, after November 2018, when you 11 had both the CPI and the Vivint systems, was one your 12 primary, the primary system you used? I know in the 13 call you told CPI you didn't use their system anymore, 14 and I didn't know was there a period of time when you 15 were using both, or once you had the Vivint system, 16 were you using the Vivint system primarily? 17 A. We still pretty -- you know, I still set 18 that alarm, CPI. I don't think it's going to contact 19 anybody, but it's, you know, that additional security 20 to let me know if something happens. Like I said, the 21 cameras a lot from Vivint, you know, gives you false 22 positives. So the CPI kind of help give us additional 23 security to really know if someone were to come in or 24 not. 25 Q. Okay. So it sounds to me like you</p>

<p style="text-align: right;">Page 86</p> <p>1 intentionally maintained both systems at least for some</p> <p>2 period of time?</p> <p>3 A. Yeah, I actually just changed the batteries</p> <p>4 in the CPI alarm the other day.</p> <p>5 Q. Okay. But you don't believe -- do you</p> <p>6 think CPI is still monitoring that after they stopped</p> <p>7 charging you in July of 2020 or do you know?</p> <p>8 A. I don't think they do. It was kind of a</p> <p>9 false alarm that happened the other day. CPI didn't</p> <p>10 call. So, you know, they should not have called,</p> <p>11 because we don't have service with them right now.</p> <p>12 Q. And was that false alarm on the CPI system?</p> <p>13 A. No, the false alarm was what Vivint is</p> <p>14 monitoring. You know, we just forgot to take the alarm</p> <p>15 off when we opened the door.</p> <p>16 Q. Got it. So was it the Vivint alarm that</p> <p>17 went off because it was armed when you opened the door,</p> <p>18 is that right?</p> <p>19 A. Yeah, I mean, they both did, but, you know,</p> <p>20 CPI shouldn't be monitored by off site system, so.</p> <p>21 MR. STEWARD: Understood. Okay,</p> <p>22 Mr. Hinton, those are all my questions. I</p> <p>23 may have a couple of follow up if Mr. Eblen</p> <p>24 has follow-up questions. I appreciate your</p> <p>25 time, and I apologize for taking up so much</p>	<p style="text-align: right;">Page 88</p> <p>1 sales representative for a company, do you expect that</p> <p>2 person to be honest?</p> <p>3 MR. STEWARD: Object, form.</p> <p>4 A. Yes.</p> <p>5 Q. Do you expect that person to not tell half</p> <p>6 truths?</p> <p>7 MR. STEWARD: Object, form.</p> <p>8 A. I expect transparency when I'm engaging</p> <p>9 with a representative of a company.</p> <p>10 Q. Do you feel like with the Vivint sales</p> <p>11 representative you got transparency?</p> <p>12 MR. STEWARD: Objection, form.</p> <p>13 A. No, I don't. That was -- I don't think</p> <p>14 there was transparency. Again, I don't know if the guy</p> <p>15 was just rushing to get me out of his way so he can,</p> <p>16 you know, go on about his day, but it's also a level of</p> <p>17 discomfort having a representative from the company</p> <p>18 that you just started doing business with, especially</p> <p>19 security, hanging around your house.</p> <p>20 Q. And in your mind on the day that the Vivint</p> <p>21 representative was at your house in November of 2018,</p> <p>22 based on what he said that you've described were one in</p> <p>23 the same, in your mind, did you believe that there was</p> <p>24 some relationship between Vivint and CPI on that day?</p> <p>25 MR. STEWARD: Objection, form,</p>
<p style="text-align: right;">Page 87</p> <p>1 of your time, but thank you.</p> <p>2 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>3 BY MR. EBLEN:</p> <p>4 Q. Mr. Hinton, thank you for your time. I</p> <p>5 just have a couple of real quick follow-up questions</p> <p>6 for you.</p> <p>7 Other than the phone call that you had with</p> <p>8 Ms. Fishman, have you ever met anybody from my law</p> <p>9 firm?</p> <p>10 A. No.</p> <p>11 Q. Had you ever even seen my name or heard my</p> <p>12 name before I appeared on here today?</p> <p>13 A. No. Yeah, I heard your name like a couple</p> <p>14 of minutes before. I wasn't sure if I was in the right</p> <p>15 place. So I called back the number that Ms. Fishman</p> <p>16 called from just to ask, because the link says on the</p> <p>17 document is not the same link that was in the email.</p> <p>18 So I just wanted to confirm.</p> <p>19 Q. And I think you made reference to this in</p> <p>20 response to Mr. Steward's questions, but do you have a</p> <p>21 desire to be involved in this today?</p> <p>22 A. No.</p> <p>23 Q. Have you testified truthfully today?</p> <p>24 A. Yes. Yes.</p> <p>25 Q. And when someone comes in your home as a</p>	<p style="text-align: right;">Page 89</p> <p>1 foundation.</p> <p>2 A. You need to rephrase that or something? Or</p> <p>3 do you want me to answer?</p> <p>4 MR. STEWARD: Again, object as to</p> <p>5 form, assumes facts not in evidence. He's</p> <p>6 testified to this, what he understood that</p> <p>7 to be. So you have plowed this ground, but</p> <p>8 go ahead.</p> <p>9 A. Put this in the context of the</p> <p>10 conversation, you know, saying that, you know, Vivint</p> <p>11 has merged with a lot of companies, and I think he said</p> <p>12 something about they were on what was it Shark Tank or</p> <p>13 something like that, I think? I don't know. And they</p> <p>14 said they can take over the equipment when he answered</p> <p>15 one in the same, in my mind, they are the one company,</p> <p>16 you know, so, but anybody can read the same thing, but</p> <p>17 interpretation is different so.</p> <p>18 Q. And as it relates to you finding out that</p> <p>19 you had a third-party loan with Citizen's Bank, do you</p> <p>20 feel like the sales representative was honest and up</p> <p>21 front with you about that?</p> <p>22 MR. STEWARD: Objection, form.</p> <p>23 A. You know, they explained to me that it was</p> <p>24 going to be like paid over time up front, I don't</p> <p>25 recall that. That's why it was a surprise to me when</p>

<p style="text-align: right;">Page 90</p> <p>1 we saw the charges, so I mean.</p> <p>2 Q. At the time that you entered into the</p> <p>3 agreement with Vivint, was it clear in your mind that</p> <p>4 you were taking out a loan with a private bank?</p> <p>5 MR. STEWARD: Objection, form.</p> <p>6 A. Maybe at that time, but as I think about it</p> <p>7 now, I don't recall having a conversation about taking</p> <p>8 out a loan.</p> <p>9 MR. EBLN: Those are all the</p> <p>10 questions that I have for you today. Thank</p> <p>11 you.</p> <p>12 FURTHER EXAMINATION BY COUNSEL FOR DEFENDANTS</p> <p>13 BY MR. STEWARD:</p> <p>14 Q. Just one follow-up question, Mr. Hinton,</p> <p>15 because I know that it's important that your testimony</p> <p>16 is accurately reflected on this record.</p> <p>17 My understanding is that the -- of your</p> <p>18 testimony is that the sales rep made this company, this</p> <p>19 reference, it's all one in the same, in response to</p> <p>20 your question about Vivint's use of the CPI equipment,</p> <p>21 correct?</p> <p>22 MR. EBLN: Object to form.</p> <p>23 A. In the context of the conversation, I was</p> <p>24 asking how are they able to take over. And then, you</p> <p>25 know, leading up into those questions, it was they gave</p>	<p style="text-align: right;">Page 92</p> <p>1 together, I don't know what the guy was thinking. I</p> <p>2 don't know if he was saying in reference to the</p> <p>3 equipment or to the company. It's just what I</p> <p>4 thought --</p> <p>5 Q. I got it.</p> <p>6 A. -- in another conversation.</p> <p>7 Q. I got it. So I think that's an important</p> <p>8 clarification.</p> <p>9 I think what you're saying is that that</p> <p>10 was -- that you were confused about that, but you can't</p> <p>11 say that the sales rep intended to suggest that Vivint</p> <p>12 and CPI had merged or were the same company? That's</p> <p>13 the distinction you're trying to make, right?</p> <p>14 MR. EBLN: Object to form.</p> <p>15 A. I'm saying he wasn't clear and transparent</p> <p>16 with his answers to make sure that there was no</p> <p>17 confusion.</p> <p>18 MR. STEWARD: Okay. I understand.</p> <p>19 Thank you again for your time.</p> <p>20 MR. EBLN: I don't have any</p> <p>21 additional questions. We're done.</p> <p>22 MR. STEWARD: We are. Mr. Hinton,</p> <p>23 thanks again. You can resume your day.</p> <p>24 Apologize for taking so much of your time.</p> <p>25 I think you already covered the read</p>
<p style="text-align: right;">Page 91</p> <p>1 some more sales pitch about how they, you know, merged</p> <p>2 and become this big company and things of that nature.</p> <p>3 So saying one in the same and merger, to me is they are</p> <p>4 the same company. But, again, I don't know if that was</p> <p>5 his intent. That was how I interpreted especially when</p> <p>6 you put those two things together.</p> <p>7 Q. Okay. And I appreciate that. But, again,</p> <p>8 he didn't -- at no time did the sales rep or anybody on</p> <p>9 behalf of Vivint tell you that they had merged with</p> <p>10 CPI, correct?</p> <p>11 A. I just told you of the situation. It's</p> <p>12 like Zaxby's, I like Zaxby's, I'm hungry now. You</p> <p>13 would think I want to go get Zaxby's.</p> <p>14 So he said talking about mergers, and then</p> <p>15 I said, you know, when he said one in the same, I as --</p> <p>16 in my mind, you merge together, that's why you're one</p> <p>17 in the same.</p> <p>18 Q. Well, and I apologize for taking more of</p> <p>19 your time, but I thought you, and I had clearly</p> <p>20 established that you weren't sure if he was referring</p> <p>21 to the equipment or the companies?</p> <p>22 MR. EBLN: Object to form.</p> <p>23 A. That's what I just said. I just, but, you</p> <p>24 know, if he asked me in my mind what did I think, you</p> <p>25 know, you put the content of that conversation</p>	<p style="text-align: right;">Page 93</p> <p>1 transcript, Marisa, is that right? Okay.</p> <p>2 THE VIDEOGRAPHER: The time is</p> <p>3 3:13 p.m. We're off the record.</p> <p>4 (Whereupon the deposition was</p> <p>5 concluded at 3:13 p.m.)</p> <p>6 (Signature reserved.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

&	2020 6:17 15:25	4	87 4:6
& 2:4,12 23:2	17:13,15,15,18	4 4:12 54:22,24	8th 19:19 65:9,15
0	19:8 25:18 28:24	77:10	9
00504 1:4	29:1 37:17 62:6	407-420-1000 2:21	90 4:7
1	65:18 66:1 68:8	41.47 17:10	a
1,168.98 55:15	73:8,24 74:13	41.47. 56:22	able 9:19 10:16,17
105 54:12	75:21 76:6,13,25	450 2:19	21:10 35:22 36:13
105.68 54:3 67:10	77:6 80:23 86:7	4749807 95:5 96:2	37:13 40:6 42:12
106 54:19	2021 1:19 3:11 5:7	97:2	44:5,7 51:13 63:1
10b 94:7	18:24 24:3 94:3	49.99 54:13 76:3	83:5 90:24
10th 19:25 65:15	94:18 95:3	76:11	absolutely 34:6
65:16	2023 17:4	49.99. 53:13 54:11	access 12:10,12,13
1168.98 56:4	20th 3:11	5	27:13 51:24
11th 19:20	21571 94:20	5 4:4,13 66:16	account 27:13,18
12:29 67:24	22 4:5	75:24,24,25 77:11	36:22 37:5 57:7
12:35 67:25	23 24:1,3	50 14:6 53:10,15	57:21 67:6 76:22
13 59:8 60:1 79:16	23rd 94:18 95:3	53:17,19 54:19	accountable 84:7
1300 2:13	24 67:10	54 4:11	accuracy 95:9
1319 6:4	242 4:11 53:22	55 4:12	accurate 26:23
13th 79:4	244 4:13 66:8	6	27:8,23
17 59:9 60:2 76:3	25 53:9 94:7	6 4:14 77:9,11,16	accurately 53:1
19.49 17:9 56:1	2555 2:5	77:18	90:16
57:1	27 4:10 28:6 57:17	60 6:18 7:11 17:5	accusation 31:4
2	62:1	66:5 75:18 76:17	acknowledgement
2 4:10 27:2 28:3	2:29 68:1	61 14:8	97:3
62:6 63:14,17	2:39 68:5	64108-2613 2:6	acknowledgment
75:24 76:5 77:11	2nd 65:8	650 2:19	95:12
2.1 55:11,11	3	66 4:13	acquisition 1:11
20 1:19 5:7 25:18	3 4:11 53:23,25	6th 65:15	action 1:4 70:12
73:24 94:3 97:15	77:10	7	72:2 94:14,17
20032900127	30 51:23 75:1,6,8	7-1-2020 65:25	actions 70:5
94:21	95:17	77 4:14	activate 40:22
201 2:13	32.99 75:22	8	actively 33:9,11
2015 6:7 7:12	32801 2:20	8 64:20 65:3	activity 51:22
66:22 67:10 75:17	39.99 14:6,7 16:17	8/20/2021 95:5	69:12
77:5	18:4 56:18	800 13:25 20:4,6	actual 21:14
2018 6:19 7:19	3:13 93:3,5	816-474-6550 2:7	add 14:14 57:1
15:24 18:24 28:6	3:15 78:19	84111 2:14	addition 10:5
57:17 59:9 85:10	3:20 1:4		17:20 20:10 21:1
88:21			53:16 54:9

additional 10:14 12:23 14:14 16:22 41:20 56:11 85:19 85:22 92:21 additions 97:6 address 6:4,6 40:19 52:13 administration 7:2 71:24 adopt 52:25 advance 65:23 76:9 affiliated 29:3 58:14,23 affiliation 8:23 9:2 9:4 affirmed 5:20 afternoon 5:24 22:19 ago 28:10 agree 33:18 55:6 66:4 67:12 79:15 agreed 55:22 56:3 56:14 72:21 agreement 6:18 90:3 ahead 6:12,13 11:5,16 16:13 40:17,18 44:3 48:13 63:2 80:14 89:8 al 5:6 96:1 97:1 alarm 17:2 18:16 34:12 37:4 42:19 85:18 86:4,9,12,13 86:14,16 allegation 57:5 allegations 74:22 75:11 allotted 95:20	allude 10:18 45:10 alluded 10:20 42:13 alluding 37:15 39:3 amount 55:22 56:4 67:13 79:7 85:3,5 analogies 42:4 answer 7:23 11:4 11:5,25 23:3,5 36:8 42:5 43:14 89:3 answered 23:14 24:6,22 89:14 answers 12:8 21:19 25:9 92:16 anybody 25:15 36:12,19 48:15 61:11 68:25 85:19 87:8 89:16 91:8 anymore 13:15 18:25 60:14 64:25 85:13 apologize 10:25 11:2 27:4 47:24 48:2 73:7 74:11 74:20 86:25 91:18 92:24 app 50:22,23 51:7 51:8,9,10,14,25 apparently 27:17 appear 26:23 27:7 27:22 55:2 57:14 57:19 75:8 appearance 2:1 appeared 87:12 appearing 57:22 appears 62:3 68:14	appended 97:7 applicable 95:8 applications 35:17 apply 41:14 appreciate 27:20 86:24 91:7 approach 26:6 approached 21:24 appropriate 68:16 approximately 23:21 24:10 59:9 73:8 area 23:8 80:4 81:6 armed 86:17 arrangements 22:23 arrears 65:23 76:9 77:3 articulated 37:18 asked 8:17 13:5 21:6 24:21,22,23 25:19 42:11 53:6 54:17 67:19 75:1 75:8 79:7 85:2 91:24 asking 12:16 38:1 42:23 45:17 54:18 58:8,13 59:12,17 61:7 62:2 65:3,11 72:17 77:25 78:7 85:7 90:24 asks 22:15 assist 73:25 74:9 assistance 52:8 associated 31:2 39:1 77:15 association 84:22 assume 31:15,18 31:20 39:14	assumed 32:3,5 84:16 assumes 36:7 89:5 assumption 31:5 at&t 21:24 30:19 31:12 athletics 81:9,20 attached 95:11 attention 7:8 20:17 54:10 attorney 71:12,16 72:5,10 94:16 95:13 attorneys 22:20 75:7 78:22 attracted 32:15,15 attractive 50:16 50:18 audio 77:10 august 1:19 3:11 5:7 94:3,18 95:3 auto 67:9 automatic 67:4,7 automation 42:18 43:5 available 27:21 43:3 95:6 avenue 2:19 aware 42:19,24,25 48:23,25 51:20 76:24 81:8,17,20 82:3 83:4 84:4 awareness 52:23 52:23 80:8 83:8
b			
back 7:8 9:11 17:14,17 20:25 22:7 23:11,13 24:8 25:8,8,21 29:10 38:10,20 59:2 61:16 62:21			

66:22 67:25 68:5 69:5 73:20,21 75:15 77:12 87:15 background 6:23 6:24 16:5,15 70:1 70:4 bacon 2:4 23:2 balance 15:18 bank 17:22 18:6 89:19 90:4 barely 26:25 based 12:5 88:22 basically 10:5,10 10:13 11:19 12:17 12:24 16:20 25:2 60:13 69:6 84:14 bates 4:11,13 66:7 batteries 86:3 bbb 64:12 beat 8:19 19:23 beginning 5:3 behalf 5:15 16:21 22:24 23:15 29:19 30:5,10,15 44:14 45:1 91:9 believe 14:21 23:17 25:23 27:12 43:22,25 44:4,15 48:6,7 54:14 55:4 61:19 62:2,14 64:1 65:17 67:1 78:16,16 79:5 86:5 88:23 believed 16:4 61:18 best 23:20 33:1,4 better 14:22 27:5 32:17 70:10 80:17 big 41:9 91:2 bigger 43:8	bill 66:3 billed 66:1,2 bit 19:20 27:19 bj's 7:25 8:11,12 8:22 16:22 17:16 21:24 29:11,15 30:16,17,22 31:10 31:20 33:5 38:21 black 64:2 80:5,18 80:18 82:24 84:2 84:17,19 blindness 84:5 blue 53:4 bojangles 82:11 booth 29:15,16,18 29:21,25 30:8 32:20 bother 84:2 bothered 83:22 84:16 bottom 22:7 57:15 boulevard 2:5 boy 20:16 break 49:12 67:20 brief 67:19 bringing 37:24 broad 35:13 brought 59:16 80:22 bureau 14:22 70:10 bureaus 18:7 business 7:2 14:22 32:7 70:10 88:18 buttons 41:7,9 buy 13:2,23 15:17 15:20,20 33:1,5 36:17 70:20,25 72:21 73:4,16 buyout 78:4	c c 2:3 5:1 94:1,1 calculated 16:16 call 19:3,12 23:11 23:12,16,21,22 24:1,5,5,7,8,9,14 24:15 25:12,22,23 28:24,25 31:5 37:17 51:4,13 52:13,22 58:18 59:25 60:1,6,10 61:1 62:1,20 63:6 63:14,16,21 64:4,5 64:10,18 65:9 66:9 68:8,13,25 69:5,14 71:5,12,15 72:9,13,15,21,23 73:9,23 74:10,13 79:4,5,6,8,16 80:23 85:8,13 86:10 87:7 called 13:5,19 19:6 19:16 23:14 25:19 25:21 38:9,10 52:6,9 58:1,2 62:4 63:9,10 64:19 67:17 69:21,23 72:12,17 73:9,10 73:12,22 74:15 76:4 86:10 87:15 87:16 calling 61:7 62:6 65:2 69:24 73:3 73:15,21,23 calls 23:1,4 25:14 34:11 52:7 59:1 63:13 cam 46:3,4 camera 14:13 20:13 33:6 34:21 40:7,13 50:2,15	51:16,19 cameras 35:17 41:22 49:17,18,23 50:4,18 51:1 54:7 85:21 cancel 20:3,5,7 62:7 63:18,21 64:23 65:4,10 69:23 76:5 81:7 84:8 canceled 20:7 65:18 cancellation 13:25 capability 45:21 carbon 50:9,11 card 12:24 15:10 16:20,23 56:11 65:19 67:1,2 76:7 76:22 care 61:11,12 careful 42:16 carolina 1:2,18 3:11 6:5 7:1,3 71:12,15 72:5,10 81:3,8,19,23 82:15 82:18 94:4 carry 13:13 case 24:18 56:9 caused 61:19 80:1 ceblen 2:8 ceo 25:24 68:9 79:22 81:19 82:23 84:24 ceo's 83:20 certain 43:4,16 70:5 certainly 27:13 certified 3:13 certify 94:3,12 challenge 80:16
--	--	---	--

chance 23:13 change 71:24 96:4 96:7,10,13,16,19 changed 86:3 changes 95:10 97:6 chapel 7:3 charge 4:14 67:9 67:14 75:21,22 76:6,7 charged 53:16,17 53:19 54:8 75:17 76:14,16,24 charges 12:23 13:4 14:8 15:3,4 16:22 17:18 75:24 76:21 90:1 charging 86:7 charles 2:3 charlie 5:12 charlotte 1:3 80:4 82:1,6,7,16 check 18:12,15,17 20:24,25 67:5 85:1,9 checked 27:24 chronologically 26:6 chronology 38:20 citizen's 16:23 17:1,8,9,12 18:6 18:15 19:2 89:19 city 2:6,14 civil 1:4 7:1 35:3,7 35:14 clarification 35:12 92:8 clarity 12:16 clear 11:25 12:8 17:20 43:17 65:25 66:1 72:4 90:3	92:15 clearly 29:18 30:4 31:10 43:14 44:13 76:4 91:19 client 74:23 75:11 client's 75:12 close 33:3 47:18 clyde 2:12 5:14 clydesnow.com 2:15 colleague 52:21 coloring 44:21 colors 29:22 33:14 come 8:5 25:8,8 45:16 56:2 61:16 76:22 85:23 comes 17:5 87:25 comfortable 12:3 39:1 46:13 coming 10:11 19:9 36:11 62:11,12 comment 84:2,16 84:24 comments 61:13 81:19 82:13,23 83:9,21,23 84:20 communication 21:22 community 80:5 companies 8:15 30:23 31:11 33:15 36:2 38:22 42:16 42:19 43:1,2,4,10 43:20,23 44:9,10 61:20,22 68:22,25 82:6 83:13 89:11 91:21 company 7:7 10:17 12:10,11,12 13:9 29:19 30:7 32:12 36:21 37:4	37:5 43:8 44:7,14 45:13,22 58:10 64:12,24 69:7 70:24 82:15 88:1 88:9,17 89:15 90:18 91:2,4 92:3 92:12 company's 10:17 44:7 45:23 compatible 36:18 37:6,20 41:21 45:24 46:2 competitors 31:21 43:4 complain 19:3,6 63:8 72:5,10 complaint 63:6 71:13,16 72:14,16 complaints 14:23 complete 97:8 completed 95:17 computer 39:12 40:3 concern 35:22,24 37:18,21 40:20 41:13 68:24 concerned 80:25 83:6 concerns 83:17 concluded 93:5 conclusion 60:13 conduct 74:23 conducted 94:14 confirm 58:22 87:18 confused 61:9 92:10 confusingly 33:19 confusion 61:4 68:22 92:17	connected 39:19 39:20 connection 12:7 61:20 conscious 18:1 contact 48:21 85:18 contacted 22:23 contained 94:7 content 91:25 context 89:9 90:23 continue 13:13 59:4 62:13,14 continued 76:6 contract 4:12 6:15 6:16,18 7:10,11 13:2,12,23 15:11 15:18,21,25 16:3 17:4,5 19:8,17,22 20:1,2,3 21:16,23 28:6 33:12 34:8 53:13,21 54:15 55:3,8,22 56:3 57:12,15 59:12,13 59:18,19 60:2,3,4 60:15,22 61:2,8 62:2,11,12,24 63:2 65:3,11,14,22 70:6 70:21,25 71:11 72:22 73:4,16 74:18 75:18 76:12 76:17 79:7 85:3,6 contracts 13:14 59:20 70:17 73:19 77:13 control 39:6 46:3 53:22 66:8,8 controller 50:6 controversy 25:24 68:9 79:22 80:1
--	--	--	---

conversation 8:2 11:13 18:3 19:19 25:15,17,25 26:3 33:5 38:15 44:11 64:9 65:7 68:17 70:13 74:7,17 77:7 89:10 90:7 90:23 91:25 92:6 conversations 9:4 14:18 25:7 46:9 cool 50:25 74:25 copies 95:14 copy 26:24 27:8 27:23 55:2 59:12 60:3,15,21 61:8 62:2 63:12,14 64:3,18 65:3,11,14 77:23 corner 55:8 corp 1:11 corporate 57:23 58:3 correct 28:7,20 29:12,13 30:24 31:22 32:12 33:24 41:18 45:25 46:5 50:2,16 53:18 56:3,21,25 57:8,12 57:13 59:19 64:22 69:16 72:6 75:18 81:24,25 90:21 91:10 97:8 corrections 97:6 correctly 54:21 cost 8:7 13:1 16:18 57:2 costs 57:10 counsel 2:1 5:9,22 22:17 87:2 90:12 94:12,16 95:14	counterclaim 1:7 2:2 counterclaimants 1:14 2:10 couple 7:5 86:23 87:5,13 court 1:1 5:10 67:18 cover 13:15 covered 92:25 cpi 1:5 4:11,14 5:4 5:13 6:3,11,14,15 6:16,20,22 7:9,10 7:11,14,16,17 8:18 8:24 9:5 10:23 11:13 12:7 13:1,6 13:15 14:7 15:8 15:18,25 19:8 22:3,24 24:18,19 24:21 25:6,16,17 25:23 28:24,25 29:1,3,5 30:10,15 30:23 31:11,21 32:11 33:19 34:2 34:3,7,11 36:1 37:15,17 38:22 39:6,18,22 41:8,13 41:21 42:1,8 43:12,18 45:1,5,8 47:25 49:9,10,18 49:24 50:2,11 51:8,9,11 53:8,16 53:21,22 54:8 55:20 56:24 58:23 59:11,19 60:1,21 61:2,5,7 62:1,4,6,8 62:16,24 63:21 64:19,25 65:5,17 66:7 67:2,14 68:8 68:10,18 69:1,6 70:20,23,25 72:22	73:4,10,16,18,21 73:23,23 74:13,14 74:18,21 76:25 77:13 78:4,12 79:2,7,23 81:4,10 81:18 82:3,7,12 83:4,19 84:21,24 85:2,5,5,11,13,18 85:22 86:4,6,9,12 86:20 88:24 90:20 91:10 92:12 95:4 96:1 97:1 cpi's 11:20 25:24 75:16 76:15 78:22 83:10 craig 9:24 10:1,2 44:12,13 46:7,10 46:11,25 57:25 58:2 63:6,9 craig's 9:25 create 66:11 credit 12:24 16:20 16:23 18:1,7,8,13 18:15,22,23 21:12 56:11 65:19 67:1 78:9,14 cried 20:16 crime 80:18 critical 61:17 crr 1:24 94:3 cs 95:15 cs4749807 1:23 cue 60:21 culture 81:7 curious 40:8 current 8:17 41:21 currently 6:19 39:15 customer 6:3,10 6:19,20 13:8,11,16 13:21 14:19 19:24	36:3 51:11 60:14 63:18 68:13 72:18 72:18 74:5 81:1 83:19 customers 9:20 10:11 14:24 71:5 83:16 cv 1:4 d d 4:1 5:1 damaged 83:10 darrow 10:1 63:6 date 5:7 28:5,10 57:17,19 76:7 96:24 97:12 day 3:11 8:13 9:14 9:15 12:5 19:21 36:16 45:19 63:16 64:8 71:8 80:19 86:4,9 88:16,20,24 92:23 94:18 97:15 days 28:13 59:10 60:2 64:17 95:17 deandrae 2:24 debit 67:2 debited 65:19 december 59:8 60:1 79:4,16 85:8 decided 62:16 decision 62:23 64:13 declare 97:4 deemed 97:6 defend 74:23 defendant 1:8 2:2 defendants 1:13 1:17 2:10 3:10 5:15,18 22:17 90:12 definition 35:16
---	---	--	---

degree 35:3 degreed 6:25 delayed 52:5 delisha 2:23 6:9 71:6 78:18 79:20 85:2,4 delisha's 75:3 79:17 department 72:14 72:15,19 deponent 95:13 97:3 deposing 95:13 deposition 1:16 3:9 4:8 5:3,16 22:23,25 27:2 47:22 53:25 54:24 66:16 75:3 77:18 78:21 79:18 93:4 describe 41:4 53:1 described 12:6 88:22 description 4:9 desire 65:10 87:21 desk 29:15 40:3 detail 6:21 8:6 28:23 details 26:22 detector 49:15,16 50:10,11 deter 51:16 determine 59:12 developed 84:11 devices 21:11 39:19,21 41:2 difference 12:25 31:12 different 7:5 9:17 9:18 10:17 17:7 30:23 31:11 32:10 32:12 33:13,20,21	33:23 37:19 38:22 77:8,15 89:17 difficult 66:11 direction 12:1 directly 17:7,10 76:22 disagree 36:6 disclosure 55:12 discomfort 37:10 88:17 discount 13:3,14 15:6,7,19,22 discounted 15:23 16:10 discuss 24:23 discussed 68:9 discussion 57:22 64:6 displayed 55:7 distinction 92:13 district 1:1,2 diversity 83:2 division 1:3 document 27:1 53:22,24 54:23 66:7,8,15 77:17,23 77:24 87:17 documents 25:11 25:12 59:6 doing 5:25 6:1 13:18 16:6 25:3 48:2 74:21 75:13 79:11 88:18 door 20:20 51:1,22 86:15,17 doorbell 14:13 20:11 46:3,4 50:2 50:15 51:16,19 downstairs 49:14 draft 67:7	drama 71:18 draw 42:5 54:10 drawing 7:8 dsc 1:4 dual 70:17 73:19 duke 31:18 34:5 40:24 42:3 dull 33:14 duly 5:20 94:5 duration 16:2,19 24:13	electronics 29:17 else's 36:14 email 60:19,21,24 61:2 79:7 80:7,10 80:11 87:17 emailed 62:3 emails 85:9 emergency 94:6 empathetic 84:15 employed 94:13 94:16 employee 45:4 94:15 encourage 52:10 52:12 ended 15:25 16:6 60:18 energy 31:18 34:5 40:24 42:3 engaged 79:1 engagement 79:12 engages 69:12 engaging 46:11 48:16 88:8 engineer 6:25 7:1 engineering 7:6,6 16:5 35:3,4,7,14 enjoyed 51:6 enlarge 66:12 80:12 entered 21:16,23 22:8 28:5 59:18 90:2 entering 34:7 60:2 entitled 74:23 equal 22:4,6 equipment 10:14 10:15,18 11:18,19 11:20 12:11,13 14:11,12,14,15 20:11 21:2 32:21
--	--	---	---

32:22,23,25 34:23 35:23 36:3,14,17 36:18,22 37:6 39:2 41:14,20 42:8,18 43:5,9,20 43:23 44:6,8,10 45:13,14,21,23 49:8,10,21 50:21 53:17 54:2,5,7,9 55:15,18,20 57:3 61:21 67:13,15 68:23,24 89:14 90:20 91:21 92:3 erin 23:17,18,25 errata 94:9 95:11 95:13,17 erratas 95:15 especially 83:3 88:18 91:5 esq 2:3,11,17 95:1 establish 78:4 established 75:16 91:20 estimate 19:15 et 5:6 96:1 97:1 event 59:5 events 28:9 80:3 eventually 12:17 evidence 89:5 94:5 evident 14:5 exact 28:5,18,20 28:20,22 43:17 45:12 67:13 exactly 31:19 34:18 48:9 60:20 examination 4:2,4 4:5,6,7 5:22 22:17 87:2 90:12 94:10 examined 5:20 excel 66:10	exclusive 94:9 exhibit 4:9,10,11 4:12,13,14 26:11 27:2 28:2 53:23 53:25 54:22,24 66:16 77:18 exhibits 4:8 existing 35:23 36:18,22 39:2 58:9,15 expect 30:19 88:1 88:5,8 expecting 19:2 expense 53:6 experian 18:7,18 expired 76:13 explained 89:23 exterior 50:4,18 f f 1:11,12 94:1 facing 27:14,15 50:4 fact 18:8 42:13,20 42:24 56:23 57:6 61:10 67:14 72:9 factor 61:17 facts 36:8 89:5 fails 95:19 fair 28:14 32:18 33:8 47:12 58:24 58:25 false 34:12,12 85:21 86:9,12,13 familiarity 35:16 far 14:15 16:5 24:9 44:8 66:18 farmer 23:17,18 fast 9:6 61:25 fdw 1:4 feature 23:7 38:10 50:16,19 51:17	features 32:22 33:10 51:6 fee 56:18,21,24 feel 14:1 22:9,11 39:1 88:10 89:20 feeling 12:14 21:9 fees 55:15 57:12 felt 29:8 71:19 female 68:15,18 83:22 filter 38:11 final 75:21 finalizing 57:20 finance 56:14 financed 55:23 56:5 financial 55:12 financially 94:17 financing 18:16 21:15 find 12:19 finding 19:9 20:9 89:18 fine 24:10 48:11 66:14 finish 63:3 finished 25:1 firm 87:9 first 5:20 7:24 21:1 22:22 23:6 26:7 29:5,8,10,11 31:9 36:10 50:24 55:8 68:21 75:17 77:22 78:1 94:5 fishman 23:25 24:11,15,25 25:4 25:15 87:8,15 five 6:17 7:12 67:20 fl 2:20	floyd 80:8 focus 80:17 folks 43:9 71:25 73:19 follow 86:23,24 87:5 90:14 followed 19:25 following 69:14 85:7 follows 5:21 football 82:16 foregoing 97:5 forgot 86:14 form 10:24 11:1 11:15 15:3 16:13 17:23 18:10 19:4 21:18 29:6 31:14 36:7,23 37:8,23 42:21 43:6 44:1 49:5 55:25 59:14 60:7,17 61:23 62:9,19 63:23 64:15 65:6 69:2,9 71:2 72:7 73:5 76:19 81:21 82:4 82:14 83:1,11,24 88:3,7,12,25 89:5 89:22 90:5,22 91:22 92:14 94:11 format 66:10 forth 94:8 fortunately 20:23 forward 9:6 61:25 found 12:21,22 20:9 foundation 36:24 37:2 42:22 43:6 89:1 frame 33:10 fraudulent 69:7
--	---	--	---

free 71:18 friday 1:19 front 12:25 15:11 15:12,15 21:21 22:9,12 51:22 54:12 55:18,20 56:4,11,15 67:15 77:2 89:21,24 frustrating 16:25 functional 37:7 39:15,18 functioning 52:15 functions 41:10 funny 37:16 40:5 further 4:6,7 17:17 87:2 90:12 94:12,15	47:10 85:22 given 13:21 16:4 21:19 28:14 97:9 gives 85:21 giving 12:25 15:7 15:22 glass 49:12 67:20 go 6:12,13 11:5,16 14:21 16:13 17:14 18:12 20:24,25 21:24 24:8 25:22 29:10 38:20 40:17 40:18,21 44:3 45:19 46:6 48:13 53:11 59:7 62:17 62:23 63:2 67:21 67:23,25 70:9 73:20,21 75:15,20 76:10 77:12,14 79:19 80:14 88:16 89:8 91:13 goes 20:14 66:22 going 10:12 11:1 13:12,13,16 16:2,9 17:24 18:4 19:13 20:15 21:7 26:5 27:18 33:1 40:19 44:12 45:16 47:10 48:4 52:2,3 60:20 62:21 73:24 74:8 74:9,16 76:14 80:3 85:18 89:24 good 5:24 22:19 46:16 59:2 67:22 67:23 google 14:14 48:8 googled 27:11 gotten 23:1 grand 2:5 great 26:19 28:1 32:14 35:12 42:5	80:19 greater 76:16 greenberg 2:18 5:17 gregory 2:17 5:16 95:1 groceries 9:12 grocery 9:10 ground 89:7 groups 7:6 gtlaw.com 2:22 95:2 guess 12:25 13:1 15:5,5,19,20,20,21 20:4 23:1 30:21 41:21 51:13 53:23 55:11 59:22 61:4 73:18 78:7,8 80:3 84:15 guessing 75:7 guy 19:24 21:9 34:25 37:14 39:3 43:7 51:5 63:10 63:25 64:1 69:15 70:7 88:14 92:1 guys 26:17	hardy 2:4 23:2,16 25:16 48:19,19,22 49:4 75:7 hat 44:16,18 head 25:10 hear 46:17 79:17 heard 23:6 87:11 87:13 heightened 52:23 help 15:3,4 85:22 helped 15:2 31:1 helpful 45:3 herbert 2:17 5:16 95:1 herbertg 2:22 95:2 hereto 97:7 hey 36:13 37:11 45:15 high 35:16 higher 52:22 highlighted 51:4 hill 7:3 hinton 1:16 2:23 3:9 4:3 5:4,19,24 6:3 10:25 11:16 16:13 22:14,19 26:24 28:4 55:1 67:18 68:7 86:22 87:4 90:14 92:22 95:5 96:2,24 97:2 97:4,12 hinton's 4:10 hispanic 83:22 history 66:19 75:15 hold 24:13 84:7 home 1:10,12,12 5:6 6:8 9:3,7,8,9 9:11 10:3 14:2 20:13,23,25 28:17 35:23 36:11 39:19
g			
g 5:1 g.s. 94:7 gaby 6:4 garage 50:6 gas 31:17 34:4 42:2,3 general 61:13 71:12,16 72:5,10 generally 32:15 gentleman 9:22 george 80:8,15 getting 12:8 13:14 16:10 32:17 46:12 60:18 61:12 73:25 74:9 gift 15:10 gill 25:25 68:9 79:22 80:20 82:23 84:21 gill's 81:19 83:23 girl 63:25 give 6:23 13:2 15:10 19:25 47:10			
g		h	
		h 96:3 half 75:2 88:5 handle 19:13 hanging 63:10 88:19 happen 11:5 happened 25:20 54:14 65:8 80:6 86:9 happens 20:18 85:20 happy 22:2,3 hard 18:8,13,15 18:22	

40:20 41:1 42:17 43:4 46:7,7,18 50:22,22 58:9,15 87:25 95:4 96:1 97:1 honest 14:2 21:21 22:10,12 88:2 89:20 hornets 82:1 hour 48:17 75:2 hours 9:10,12 house 8:6 9:21,23 10:10,15 14:17 31:4 40:11 45:16 47:6 58:20 88:19 88:21 hum 32:9 65:1 hundred 13:24 hungry 91:12	incorporated 5:5 5:6 indicate 30:9 69:4 77:4 individual 58:13 64:6,10 71:5 individuals 29:24 industry 36:5,16 influence 84:20 information 36:6 48:4 50:21 70:1,4 informed 8:18 23:2 44:9 informing 13:17 initially 23:4 54:19 initiated 74:14 79:6 input 46:12 inquiries 37:13 inquiry 18:8 insensitive 84:6 install 11:18,21 14:12 49:21 installation 54:2 installed 14:16 47:5 50:10,21 59:10 62:8 instance 46:1 instructed 11:3 14:19 17:24 70:4 72:13 intended 38:18 92:11 intending 23:12 intent 91:5 intentionally 86:1 interacted 29:8 30:14 interacting 46:10	interaction 7:24 8:10 24:20 29:10 29:11 interactions 7:20 25:6 interest 8:4,15 55:23 56:6 interested 35:1 38:22 45:20 94:17 interesting 34:24 interfaced 31:9 interior 54:6 internal 49:16,18 49:23 interpretation 89:17 interpreted 91:5 interrupts 11:3 introduce 5:9 6:2 introduced 26:10 51:8 investigating 69:19 invited 10:9 invoice 60:3 79:8 85:3,4 involved 21:15 35:14 48:1 79:4 87:21 involving 25:24 isolated 31:7 issue 21:7 29:2,4,8 67:8 68:22 69:19 80:22 83:20 issues 21:22 52:13 52:14 82:24	jobs 83:6 jog 34:9 37:25 59:2 60:8 84:13 jogged 81:14 jogging 81:22 johgre 1:16 3:9 4:3 5:4,19 6:3 64:20,21,23 95:5 96:2,24 97:2,4,12 jordan 82:2 jose 19:25 55:5 july 24:3 65:18 66:2,3,22 75:21 76:14,25 77:6 86:7 jump 72:1 june 6:7,17 7:12 12:22 15:25 19:8 19:19,20,25 24:1 25:18,18 28:24,25 37:17 62:4,6 63:14,17 64:20 65:3,22 66:1,22 67:10 68:8,17 73:8 75:17 76:5 76:14,25 77:5 80:23
i			k
idea 6:24 identification 27:3 54:1,25 66:17 77:19 94:5 identified 29:19 29:21 38:13 44:13 54:6 identify 30:4 identifying 85:5 iffy 12:1 impacts 83:15,18 important 54:16 90:15 92:7 impressed 26:8 impression 12:6 improper 36:20 37:4 improving 38:23 incident 20:15 inclusion 83:2			k 1:11,12 kaepernick 82:21 kansas 2:6 kay 38:7,8 68:14 69:6 70:13,14,15 70:19 71:10 72:4 80:23 83:19 84:12 kay's 83:16 keep 37:24 71:4 ken 25:24 68:9 79:22 80:19 81:19 82:23
		j	
		january 17:15,15 job 1:23 48:2 74:21 83:6	

killing 80:18 kind 7:4 8:4 10:15 11:24 12:1 14:20 21:20 29:20 34:25 35:8 41:21 45:20 47:25 53:3 80:8 83:2 85:22 86:8 knew 32:6 56:11 knightdale 1:18 3:10 6:5 94:4 know 8:3,12,14,19 9:2,11,25 10:6,12 10:19 11:2,22,24 11:24 12:2,15 13:7,10,13,15,17 13:20,25 14:5,24 16:14,16,17,19 18:14,20,22 19:8,9 19:10,11,18 20:1,8 20:9,19 21:1,6,6 21:20,21 22:5 23:6,7,8 24:22 25:19 28:18,19 29:7,8,16,22 30:6 31:2,16 33:3,3,4 33:14,16 35:6,15 35:19 36:9,12,16 36:17 37:9,12,12 37:13,14,16 39:2,4 39:23,24 41:1,6,9 42:10,11 43:8,10 43:14,19,20 44:4,5 44:6,9,11,19 45:10 45:11,12,18 46:11 46:13,15,15,25 47:18,24 48:3,13 49:13 50:10,12,17 50:24,25,25 51:4 51:10 52:21 54:18 55:10 56:9,10 57:4,10 58:18	60:15 62:13,21,22 63:8,9,24 64:8,9 64:11,13 65:13,21 66:5 68:15 69:10 69:18,19 70:1,8,9 70:17,24 71:3,3,4 71:7,17,18,20,23 71:24,25 72:1 73:1,10,18,18 74:4 74:17 75:3,12 76:6,8,9,10,10 77:2 78:5,6,23 79:2,21 80:2,4 81:6,11 82:15,21 83:2,4,5,7,8,13,13 83:15,25 84:3,5,6 84:8,9,17,23 85:2 85:12,14,17,19,20 85:21,23 86:7,10 86:14,19 88:14,16 89:10,10,13,16,23 90:15,25 91:1,4,15 91:24,25 92:1,2 knowledge 37:3 37:10 78:15 82:10 82:11 known 21:14	lay 37:1 layman's 71:4 lead 14:21 70:8 leading 7:21 8:25 18:11 19:5 76:3 90:25 leaked 80:11 learn 84:8 leave 20:25 23:4 38:21 49:3 leaving 13:8 70:1 led 37:12,14 83:15 left 12:18 23:5 25:20 33:12 38:8 38:9,25 55:7 59:13 85:5 legacy 1:11 legal 69:18 70:16 72:14,15,19 95:23 legible 66:11 legit 23:10 letter 20:4 level 88:16 lie 61:11,12 lied 57:5 life 71:6,19 lighting 14:13 line 96:4,7,10,13 96:16,19 lines 64:14 link 87:16,17 linked 50:13 linkedin 4:10 26:12,13,17,24 27:8,14,21,23 31:16 48:6,10,20 48:21 49:4 listen 23:10 little 6:23 19:20 20:13,16 24:13 27:19 29:16	live 52:2 71:18 lived 6:6 lives 6:8 82:24 living 6:4,16 34:13 47:2 49:15,16 loan 16:23 17:1,9 17:21,25 18:6,9 19:1 89:19 90:4,8 local 7:7,25 location 32:13 lock 14:13 locked 20:20,20,21 51:3 locks 51:2 log 23:22 24:5,8,9 27:18 logo 29:20 34:2,3 logos 33:23,23 long 6:6 7:10 15:23 24:11 38:15 48:15 longer 38:17 62:8 62:24 look 14:21 22:7 23:22 33:1 34:1,2 34:4 52:1,2 64:11 64:12 66:6 70:9 77:15 looked 8:15 14:22 33:4 39:7 65:24 77:11,12 looking 33:11 40:22 looks 54:5 65:25 66:2,21 67:9,12,14 75:20 76:12,15 78:11 losing 81:1 lost 83:16 lot 14:23 35:7,15 43:8 82:10 85:21
---	---	---	---

89:11 lots 35:14 69:12 lower 16:1 32:17 57:6,7	47:2,17 48:25 51:7,20 53:3 59:17 60:8,11 62:10,18,21 63:2 71:17 80:13 81:14 82:6 83:25 84:18 85:9 86:19 90:1	mini 14:14 minute 67:20 minutes 24:14,20 75:1,7,9 87:14 misleading 13:18 mo 2:6 mobile 41:2 moment 18:22 money 8:3 10:7 15:10,12,14 21:21 22:1 30:20 32:16 38:23 monitor 46:4 57:9 59:1 76:21 monitored 39:22 86:20 monitoring 53:7 54:10 56:24 57:3 57:6,8 65:20 86:6 86:14 monoxide 50:10 50:11 month 6:18 14:6,6 14:7,9 17:5 53:17 53:20 66:5 67:5 75:18 77:5 monthly 4:14 15:2 16:18 53:7 54:10 54:18 56:2,17,21 56:24 57:3,6,7,10 57:12 65:20 76:21 78:12 months 7:11 15:2 28:12 74:3 76:17 mosaic 1:11 mother 10:8 46:14 46:20 mother's 47:1,6,9 motion 34:13,15 34:16,17,21 49:15 49:16 51:17	moved 19:21 munoz 1:24 3:12 94:2,21
m	meet 73:24 meeting 74:9,16 memory 34:9 37:25 59:2 60:8 81:11,11,14,22 84:14 men 80:19,19 mention 13:21 68:11 mentioned 6:10 26:25 64:16 76:8 merge 91:16 merged 43:8,12 89:11 91:1,9 92:12 merger 42:10 91:3 mergers 91:14 merit 3:12 mess 19:14 74:19 message 23:4 24:4 38:10 48:22 49:4 messaged 78:18 messages 27:13,16 48:20 49:1 messing 51:1 messless 71:19 messy 71:19 met 8:21 87:8 michael 82:2 mind 25:8 88:20 88:23 89:15 90:3 91:16,24 mindful 20:22	n	n 4:1 5:1 name 9:22,24,25 22:19 23:17 27:11 33:19 38:6,7 47:9 47:13 55:7 64:20 68:14 70:13 79:17 87:11,12,13 named 19:25 names 33:20,22 national 34:4 native 66:10 natural 31:17 42:2 42:3 nature 11:25 12:2 13:19 14:16 21:23 35:18 41:22 91:2 nearly 20:4 necessary 97:6 need 18:19 22:1 26:21 42:5 57:2 62:13,20 66:12 67:20 73:11 79:13 84:3 89:2 needed 41:17 51:14 62:8,24 needs 83:4,8 negative 80:5 83:18 neighborhood 21:5,10 63:11 neighbors 20:24 neither 94:12 never 8:14 25:21 37:20 45:4,6 47:21 new 11:18 36:4,17 41:15,16,17

newer 14:12 news 82:10 nice 51:7 normally 23:9 north 1:2,18 3:11 6:5,25 7:3 71:12 71:15 72:5,10 81:2,8,19,23 82:15 94:4 notarization 94:6 notary 1:24 3:13 94:3,21 97:13,19 notation 62:15 64:17,19 72:20 73:3 note 95:10 noted 97:7 notes 74:6 85:1 notice 13:25 79:18 noticed 78:21 notification 20:4 34:12 notifications 27:9 27:12,16 november 6:19 7:19 15:24 28:6 57:17 62:1 85:10 88:21 number 4:9,11,13 15:1 23:9 27:2 34:10 53:23,25 54:24 66:8,8,16 77:18 81:2 87:15 numbers 16:6,15	60:17 61:23 62:9 62:19 63:23 64:15 65:6 69:2,9 71:2 72:7 73:5 76:19 81:21 82:4,14 83:1,11,24 88:3,7 89:4 90:22 91:22 92:14 objection 7:21 8:25 10:24 11:1,6 11:15 16:12 17:23 18:10 19:4 21:18 30:25 88:12,25 89:22 90:5 obviously 41:12 41:14 46:1 occasion 52:11 occurred 28:10 64:9 october 73:23,24 74:1,13 odd 21:5 offended 82:23 offer 8:7 offering 70:25 oh 12:17 21:8 39:13 46:6,6 59:22 62:5 73:21 74:9 77:14 79:19 85:1,10 okay 9:6 16:14 23:3,15,20,24 24:4 24:25 26:19 27:7 28:1,23 29:24 30:3 31:24 32:1 32:20 33:8 34:20 35:6,21,21 38:1,5 38:13 39:5,11,13 39:18,22,25 41:4,4 42:14 43:16,22 44:13,25 45:3,3,14	46:6 47:4,8,12,15 47:24 49:2,2,20,23 50:1,9,15,20 52:6 52:10 53:5,21 54:21 55:6,14,17 56:13,17 57:14,17 57:19 58:7,12,21 59:9,17 60:9,25 61:4,16,25 63:5,12 64:10 65:17 66:18 66:21,25 67:4,8,12 67:17 68:20 69:4 70:11,23 72:3,13 72:20 73:2 75:20 76:2 78:10,14,21 85:10,25 86:5,21 91:7 92:18 93:1 older 11:20 once 85:15 online 27:21 open 16:24 opened 16:21 86:15,17 operating 30:23 opportunities 32:16 opportunity 75:12 opposed 56:15 option 51:18 orange 2:19 29:22 33:4,14 44:20,23 44:24 organization 82:11 organizations 81:3 81:17 orient 40:7 original 19:19 49:21 originally 6:15 53:9	orlando 2:20 outcome 94:17 overly 35:13 overtaking 39:2 overtook 34:22 owed 60:4 owned 82:2
p			
p 5:1 p.a. 2:18 p.m. 3:12 5:8 68:1 68:5 93:3,5 page 4:2,9,10 27:14 48:10 55:8 94:9 96:4,7,10,13 96:16,19 pages 94:8 paid 54:12 89:24 panel 32:21 33:7 39:5,6,14,18 40:21 40:22 41:14,15,16 41:17,22,23 42:7 46:1,2 panels 39:9,16 40:6,8 41:5,13 panthers 82:18 paragraph 55:11 paranoid 20:13 52:22 part 13:10,16 15:11 18:3,15 21:13 26:2 35:20 36:5,16 37:15 41:10 46:9 49:21 57:20 62:22 69:18 partially 82:2 particular 19:7 parties 94:13,16 partner 45:7 71:7 partnership 11:23 83:14			

<p>party 17:21,25 18:6 21:15 89:19</p> <p>passage 28:15</p> <p>pay 10:13 15:2,4 17:3 20:3,6,16 55:17,21 56:4,15 64:25 65:22,23 67:2,9,14 76:9,9 77:2 79:6</p> <p>paying 14:6,11 15:8 16:6 17:20 18:4 53:7 55:19 56:20,24 78:4,8</p> <p>payment 13:24 15:3 17:12 54:18 55:11 56:2,11 66:19 75:15 77:4</p> <p>payments 17:7</p> <p>pdf 66:11</p> <p>pending 42:6</p> <p>people 52:21 69:12 71:4,24 73:12 80:24 83:4</p> <p>people's 84:21</p> <p>percent 55:23 56:5</p> <p>perception 84:21</p> <p>perfect 45:14</p> <p>period 56:5 66:5 76:16 82:25 85:14 86:2</p> <p>periodically 10:25</p> <p>person 9:17,20 12:10 21:9 30:2,3 44:25 45:2 58:19 58:20 83:7 88:2,5</p> <p>personal 48:4</p> <p>personally 82:22 94:11</p> <p>perspective 53:2 79:21</p>	<p>phone 23:1,3,7,21 23:25 24:6 25:15 28:25 34:11 35:17 37:17 38:11,12 39:11 48:14 51:9 51:25 57:23 58:4 58:5,8,19 59:11 60:6,10 61:1 68:8 74:10,13 79:16 85:8 87:7</p> <p>physical 32:21</p> <p>picked 38:14</p> <p>piece 42:8</p> <p>piedmont 31:17 34:4 42:2,2</p> <p>pitch 10:10 91:1</p> <p>place 60:10 87:15</p> <p>plaintiff 1:7,17 2:2 3:10 5:13,22 87:2</p> <p>platform 36:3</p> <p>play 37:25 59:1</p> <p>please 5:9 6:2 80:15</p> <p>pleased 7:13,15</p> <p>plowed 89:7</p> <p>plus 18:3 22:2 56:22 76:11</p> <p>point 22:25 30:22 31:1 35:12 47:5 51:8 59:22 70:12 74:17</p> <p>police 51:13 80:9 80:10 82:24</p> <p>positives 85:22</p> <p>possible 56:13</p> <p>possibly 65:23 70:22 82:5</p> <p>potential 23:8</p> <p>potentially 38:23</p> <p>practice 36:5</p>	<p>practices 13:18 20:10 26:3</p> <p>preceding 94:8</p> <p>precise 28:15</p> <p>preference 83:25</p> <p>present 2:23,24 82:25</p> <p>press 41:9</p> <p>presumably 47:5</p> <p>pretty 14:5 26:20 38:15 41:8 47:18 50:25 51:3 52:18 58:25 79:1,12 80:2 82:7 85:17</p> <p>prevalent 83:3</p> <p>previous 58:15</p> <p>previously 68:7 76:8</p> <p>price 32:17 55:11</p> <p>prices 19:10</p> <p>primarily 35:6 79:4 85:16</p> <p>primary 85:12,12</p> <p>prior 34:7 44:11 50:13 68:25 84:24</p> <p>priority 40:16,25</p> <p>privacy 27:20</p> <p>private 90:4</p> <p>privileged 84:4</p> <p>probably 8:19 9:12,19 20:12 24:14 25:18 33:6 35:15 38:17 44:20 47:21 52:2,3 60:11,23 62:10,10 63:24 65:13 68:11 71:25 74:15 79:10 82:16 83:15</p> <p>probe 39:3</p> <p>problems 7:16,17 34:7</p>	<p>proceeded 12:3</p> <p>proceeding 94:14</p> <p>produced 59:6 63:14 64:19 66:7 74:4 77:20 94:4</p> <p>product 7:13 32:17</p> <p>productive 80:16</p> <p>products 21:7 33:10</p> <p>profile 4:10 26:13 26:17,24 27:8,10 27:22,23 31:16</p> <p>program 81:9</p> <p>prominent 81:3</p> <p>prominently 55:7</p> <p>proof 78:8</p> <p>provide 57:5 70:3 79:13</p> <p>provided 50:21 55:5 63:18 64:4 78:11</p> <p>provider 8:18 21:25 32:12 58:15</p> <p>provides 57:7</p> <p>providing 22:4 77:23</p> <p>public 1:24 3:13 27:14,15 94:3 97:19</p> <p>pull 53:21 66:3</p> <p>pulled 26:12 31:15 48:5</p> <p>pulling 18:2</p> <p>purchase 33:2 57:21 62:1</p> <p>purchased 61:6</p> <p>put 9:11 25:10 41:15,16,17 46:2 47:15 51:11 58:3 60:20 84:25 89:9</p>
--	---	---	---

91:6,25 putting 57:9	really 8:14 19:13 20:21 43:13 44:4 48:15 71:20 74:19 85:23	recollection 23:21 25:5 28:16 34:14 38:2 43:17 54:8 54:11 55:24 56:6 58:24 60:16 61:1 62:6 63:20 64:7 65:2 66:4 68:23 72:22 73:2,14 74:6 78:3 79:9 82:19	72:22 73:2 79:9 refreshes 66:4 regard 83:10 regarding 22:25 50:22 72:23 registered 3:12 regular 8:12,13 reinforcing 37:21 65:10 related 17:2 94:13 relates 89:18 relationship 6:22 7:9 10:22 11:14 81:4,9,18 82:3,12 88:24 relative 94:15 relevant 10:6 remaining 15:9,18 85:3
q	recall 9:1,7 11:12 15:14 18:21 23:15 24:10 28:20,22,25 29:5,21 30:1,2 32:24 33:2,7 37:16,21 39:5 44:17,18 49:8 53:6 54:16 55:19 55:19 57:21 58:4 58:7,11,12,13,17 58:17,21 59:8,11 59:15 60:5,6,22 61:20 64:14 65:12 68:10,17,20 69:3,5 69:8,11 70:6,19 71:10,13,18 72:2,4 73:9,21,22 74:12 77:23 78:5 79:23 79:25 81:5,11 83:19,21 85:2,4,8 89:25 90:7	record 51:22 68:2 68:5 77:4 90:16 93:3 recorded 51:18 59:1 63:15,17 64:5 recording 64:4 recordings 51:24 74:5 records 51:23 72:3 75:16 76:16 77:21 rectangular 41:7 reduced 94:10 refer 25:12 reference 15:1 42:7 45:13 79:20 87:19 90:19 92:2 referenced 25:24 44:21 64:5 95:6 referred 27:1 53:24 54:23 66:15 77:17 referring 43:19,23 61:21 85:7 91:20 reflect 58:18 reflected 90:16 reform 80:9,10 82:24 refresh 25:5 34:13 54:8,11 55:24 56:6 60:16 64:7	remember 8:9 9:22 10:21 28:5 38:8 56:9,14 59:17 61:14,14,15 61:15 69:17 79:24 82:5 84:12 remembered 56:12 remote 21:8,10 remotely 57:22 renew 13:13 renewal 13:9 rep 9:6,8 13:8,11 13:16,21,22 14:1 14:19 28:16 29:2 30:13 31:4 46:25 61:18 70:20 72:18 73:4 90:18 91:8 92:11 repeat 11:10,11 rephrase 35:8 89:2
r	raise 29:4 raised 29:1,4,7 83:20 raising 68:24 ran 6:16 12:2 rate 15:23 16:2,2,9 16:10,17 21:15 53:7 54:10 57:3,6 57:8 65:20 78:12 rates 8:20 ratings 64:12 reach 22:24 read 36:19 49:3 66:12 89:16 92:25 95:9 97:5 reading 20:10 real 87:5 realized 18:5 19:1	realtime 3:13 reason 32:24 63:13 95:11 96:6 96:9,12,15,18,21 recall 9:1,7 11:12 15:14 18:21 23:15 24:10 28:20,22,25 29:5,21 30:1,2 32:24 33:2,7 37:16,21 39:5 44:17,18 49:8 53:6 54:16 55:19 55:19 57:21 58:4 58:7,11,12,13,17 58:17,21 59:8,11 59:15 60:5,6,22 61:20 64:14 65:12 68:10,17,20 69:3,5 69:8,11 70:6,19 71:10,13,18 72:2,4 73:9,21,22 74:12 77:23 78:5 79:23 79:25 81:5,11 83:19,21 85:2,4,8 89:25 90:7 recalling 60:9 receipt 95:18 receive 48:21 78:14 received 24:1 60:24 65:13 85:4 85:9 receiving 15:14 61:2 73:22 recess 68:3 recognize 77:22	

report 18:23 reported 1:24 94:10 reporter 3:13,13 5:10 67:19 94:2 represent 22:21 36:1,15 48:3 53:11,12 55:21 59:24 60:12 63:5 68:21 representation 8:23 12:20,22 representations 15:13,17 representative 7:20 8:5 9:3,18 10:2,22 11:13 15:16 17:19 22:9 24:18 29:1 37:18 57:24 58:8 63:7 63:25 68:14,18 69:6 88:1,9,11,17 88:21 89:20 representatives 8:1,10,22 9:16 16:9 21:3 29:14 31:10 represented 10:3 representing 5:13 5:17 reps 19:24 22:12 reputation 83:10 request 40:5 required 94:9 97:13 requirements 94:7 research 14:20 reserved 93:6 residential 30:24 32:7 33:9 42:17 43:4	respect 28:9 41:12 44:21 47:21 60:4 respectful 53:12 74:25 75:14 response 80:10 87:20 90:19 responsive 51:3 restroom 67:21 result 32:16 81:4 81:18 82:12 resume 92:23 return 95:13,17 review 95:7 reviewed 34:10 right 7:8,18 16:8 17:6 18:17,21 23:23 25:11,22 26:5 28:11,14 29:17 30:8,13,21 31:13,19 32:8 33:18,20,21 34:1,6 34:18,23 35:4,23 36:15,22 37:16 38:11,16,24 41:4 41:15,17,23,24 43:11,24 44:14 45:1,24 46:3,4 47:6,15,22 48:2 49:2 50:4,7 51:25 53:14 56:16,23 57:15 58:2 60:10 61:22,24 62:5,17 62:23,25 64:21 65:20,24 66:19 67:8,16 69:21,22 70:3,25 72:11 73:14,20 75:19 76:4 77:4,9 78:12 78:13 80:6 81:2 82:9,22 83:9 84:1 84:10,18,25,25	86:11,18 87:14 92:13 93:1 rmr 1:24 94:2 room 34:13 47:3 49:15,16 rule 41:1 run 18:8,13,15 78:19 81:16 running 16:15 runs 18:23 rushing 88:15 s s 2:13,19 5:1 96:3 safety 40:25 sale 21:16 sales 10:10 14:1 17:19 22:9 28:16 30:13 46:25 61:18 63:7 70:19 88:1 88:10 89:20 90:18 91:1,8 92:11 salt 2:14 satisfactory 94:4 satisfied 8:16 save 8:3 10:7 22:1 30:20 36:17 saving 21:21 32:16 38:23 savings 14:10 16:7 16:18 22:4,6,6 savvy 34:25 35:10 saw 14:23,23 32:25 40:24 49:1 56:8 70:10 90:1 saying 10:22 11:17 11:20 13:22 16:14 30:6 34:16 43:7 48:8 52:18 53:4 54:12 56:1 58:22 61:8 69:11 70:8 71:23 73:18 89:10	91:3 92:2,9,15 says 20:19,19 41:23,25 42:2 52:21 54:15 55:14 57:12 64:19 73:3 74:8 80:15 83:7 87:16 schedule 49:20 scooter 21:3,4 screen 26:11,16 41:8,11 48:9 66:9 77:8 80:12 second 55:10 seconds 51:23 security 1:5 5:4 8:17 10:9 12:9,12 30:7,24 32:7 33:10,15 36:10,14 36:21 42:18 43:5 50:14 58:9,16 85:19,23 88:19 95:4 96:1 97:1 see 13:7,19 16:15 16:22 17:14,15,17 18:7,12,18 21:25 24:7,8,19 26:13,25 27:4,5,15 40:7,8 46:13 47:18 53:4 54:2,4,6 55:1,12 55:14 56:17 66:3 66:19,20,23 67:10 67:11 75:22,23,25 76:1 77:13 79:17 80:11,20,21 81:17 seeing 13:4 26:17 27:9 seemingly 15:6 seen 8:14 87:11 send 20:4 48:20 61:7 85:2
--	--	---	--

sending 78:5 sense 11:7 27:19 52:22,23 71:1,9 senseless 80:18 senses 51:17 sensitive 27:20 sensor 34:13 sensors 14:15 49:13,13 sent 80:7,9 95:14 separate 33:2 57:2 serious 74:22 75:10 seriously 57:4 service 7:14,15 8:8 8:16,17 10:9,9 15:2,4,6 21:25 22:2,4,5,11 36:4 52:8 56:17,21 57:12 60:14 63:19 64:24 65:18 68:13 73:11 83:20 86:11 services 13:20 52:7 sessions 2:12 set 29:15 30:10 48:19 85:17 94:8 seven 28:12 severing 83:14 shape 41:6,7 share 26:11 48:9 77:8 shared 24:22 78:3 sharing 77:8 shark 89:12 shb.com 2:8 sheet 4:14 94:9 95:11 shirt 44:16,19 shivers 2:24	shook 2:4 23:2,16 25:16 48:18,19,22 49:4 75:7 shopping 8:13 9:10,11 33:9 short 13:25 show 24:5 25:11 32:22 48:9 showing 26:16 40:20 sic 71:19 side 41:11 sign 42:2 95:12 signature 57:15 93:6 94:9,20 signed 95:20 signs 8:14 29:22 similar 32:17 33:19 sit 38:1 60:6 site 86:20 sitting 18:20 situation 36:12 84:15 91:11 situations 84:6 six 64:17 small 26:20 54:9 smart 1:10,12,12 5:5 14:13 35:17 50:6,22,22 51:25 95:4 96:1 97:1 snow 2:12 5:15 solutions 95:23 somebody 22:24 35:1 52:4 57:22 57:25 69:19 80:7 80:9 somewhat 33:9 sorry 16:12 24:25 40:2	sort 8:23 12:7 61:17 84:25 sound 36:19 38:15 46:16 53:14 62:17 65:20 sounded 68:16 sounds 31:20 32:14 33:8 45:21 50:1 60:25 82:19 85:25 space 30:24 spam 23:8 sparked 8:4 speak 29:25 31:8 speaking 37:9 79:11 specifically 10:21 spend 80:15 spoke 23:16 24:11 30:2,3 74:8,10 spoken 24:12 spreadsheet 66:10 start 17:17 started 6:16,18 7:12 10:18 13:4 13:17 15:24 16:22 17:12,14 25:8 31:3 42:17 51:1 64:24 65:22 70:11 79:8,10 88:18 starting 60:8 state 7:1 81:9,19 statement 29:2 38:3 52:25 61:19 statements 17:16 75:11 81:5 states 1:1 statistics 80:17 stay 16:2,9 18:23 stenographic 94:2	steps 31:7 steward 2:11 4:5,7 5:14,14 7:21 8:25 10:24 11:9,15 16:12 17:23 18:10 19:4 21:18 22:15 22:18,20 26:19,21 28:2 37:1 42:23 44:2 49:6 67:18 67:24 68:6 76:20 86:21 88:3,7,12,25 89:4,22 90:5,13 92:18,22 steward's 87:20 stop 77:8 stopped 8:2 86:6 store 7:25 8:1,2 9:1,17,20 46:17 story 75:12 street 2:13 stuff 33:1 42:12 51:1 subpoena 78:22 subscribed 97:14 subsequent 24:5 25:14 63:21 64:5 65:9 sued 74:21 suggest 30:14 36:20 37:3 42:8 92:11 suggested 44:25 suggesting 76:10 suite 2:13,19 summarize 21:20 supplement 15:8 supposed 73:16 supposedly 75:2 sure 6:25 11:11 26:8 29:7 35:13 38:19 42:15 46:12
--	---	--	--

52:14,19 58:25 62:5 66:1 67:3 77:2 82:7 83:12 83:14,17 87:14 91:20 92:16 surprise 16:20 45:22 56:8 89:25 surprised 56:10 swear 5:10 switch 22:5 36:2 switching 8:15 sworn 94:6 97:14 system 6:13 17:2 18:16 34:7 36:10 37:12,14 38:24 39:6 46:18,19,23 47:1,5 50:14 52:15,19 56:21 58:9 59:10 61:6 64:25 65:5 85:12 85:13,15,16 86:12 86:20 systems 1:5 5:5 85:11 86:1 95:4 96:1 97:1	25:19 27:18 40:16 41:2 73:12 talked 68:7 79:22 talking 30:18 31:3 35:15 48:15 50:17 51:5,11 58:5,17 59:9 70:7 72:24 91:14 tank 89:12 tax 53:13 56:22 76:11 teach 84:4,7 team 69:18 82:16 tech 34:25 35:10 technical 52:8,13 52:14 technology 7:6 26:9 35:9,9,14 telephone 60:1 tell 8:9 10:3,21 11:12 23:22 30:19 38:6 47:17 51:18 52:3 73:15 75:6 76:14 78:2 88:5 91:9 94:7 telling 10:7,13 13:11 20:2 24:17 51:2,12 62:7 63:21 65:4 70:16 70:19 71:10 72:4 83:19,21 84:12 ten 24:14 term 13:20 15:9 70:17 terminate 13:20 81:3 terminated 81:9 81:18 82:2,12 terms 55:12 71:3,5 73:17	testified 5:21 25:25 28:4 31:12 35:24 87:23 89:6 94:8 testimony 17:11 90:15,18 95:9,18 97:8 thank 5:25 11:9 22:16 87:1,4 90:10 92:19 thanks 67:24 92:23 thereof 94:16 thing 19:12 22:3 33:4,16 35:13 40:15,25 41:2 47:19 79:3 89:16 things 11:25 12:1 13:18 14:16 20:1 20:10 21:6,22 25:8 35:16,17 41:22 46:14 51:12 71:25 75:4 80:3,5 91:2,6 think 12:9,9,11 14:3 16:23 18:22 19:6,19,21 20:12 26:11 28:4 33:6 34:2,3,5 44:18,22 45:11 46:15 47:8 49:12 50:9 51:4 52:21 53:10,19 55:5 56:10 58:5 60:18,23 62:11 63:3,8 64:13 65:14,18,21 69:17 69:25 70:9,13 71:22 72:12,18,19 73:21 75:1 77:9 77:10,25 78:2,3,7 78:25 79:3 80:7	80:24,24 82:16 83:3,5,7,9 84:20 85:1,18 86:6,8 87:19 88:13 89:11 89:13 90:6 91:13 91:24 92:7,9,25 thinking 13:8 54:17 77:1 92:1 third 17:21,25 18:6 21:15 23:13 89:19 thought 16:10 44:6 50:25 61:5 84:16 91:19 92:4 threat 52:16,17 three 9:10 28:10 28:12,12 41:9 63:4 tie 67:8 time 5:8 8:16,21 9:8,10 10:8,11 12:4 13:6,9 16:16 16:19 18:13 19:7 19:22 20:7,14,15 20:17 21:2 23:6 23:13 24:20 27:24 28:15 30:12 32:25 33:10 36:10,13 38:4,12,13,25 39:24 43:2,3 44:10 47:25 48:17 48:20,20 50:20 53:12 56:5,14 59:23 62:3 63:3 65:15,16,19 67:22 67:25 68:4,21,25 73:9,12 75:1,14 76:17 77:1 79:11 80:16,17 81:7 82:25 85:14 86:2 86:25 87:1,4
t			
t 94:1,1 96:3,3 tab 66:18 tablet 57:23 58:3,6 take 10:14,17 11:19 31:6,7 36:2 36:14,21 37:5,11 37:14 40:6 41:1 42:12 44:5,7,10 57:4 60:10 67:19 70:5,12 86:14 89:14 90:24 taken 1:17 3:10 47:22 talk 6:21 8:6 19:16 22:2 23:9 24:20			

89:24 90:2,6 91:8 91:19 92:19,24 93:2 95:19 timeframe 95:8 timeline 59:4 times 19:15,18 68:16 73:11,13 today 5:16 25:3 38:2 60:6 61:9 74:19 75:8 87:12 87:21,23 90:10 today's 5:7 22:23 told 8:3,19 10:5 16:8,17 18:4 21:7 36:19 54:18 62:15 64:11 69:6 70:20 74:15 75:8 76:5 85:13 91:11 top 40:15,25 topic 73:20 topics 83:3 total 14:8 54:2 55:14 totally 47:20 touch 41:7,8,11 54:6 tragedy 80:8 transaction 17:2 22:8 transcript 93:1 95:6,20 97:5,8 transitioning 31:3 transparency 88:8 88:11,14 transparent 92:15 traurig 2:18 5:17 treated 14:24,25 82:21 triangle 41:6 tried 17:14,16	triggered 34:12 trip 8:13 true 12:20,23 20:15 26:23 27:7 27:22 38:19 57:6 97:8 truth 94:7 truthful 61:9,13 truthfully 87:23 truths 88:6 try 25:5,10 26:6 41:1 48:21 70:5 70:12 71:4,18 trying 12:16 19:12 19:23 37:1 46:13 77:13 84:14 92:13 turn 40:21,23 77:7 two 9:12 10:11 13:14 17:7 18:23 18:24 19:18,18 30:1 33:12 41:5 49:25 54:6 59:20 72:9 91:6 type 47:18 69:12 types 84:5 typewritten 94:11 typical 9:9	understanding 16:1 78:10,17 90:17 understood 25:4 30:22 31:10,21 32:11,11 53:5 58:14,22 59:18 79:15 82:22 86:21 89:6 united 1:1 university 7:1,2 unknown 23:9 unlocked 20:21 51:2 unread 49:1 upgraded 41:19 upper 55:7 use 26:8 35:19 40:1 45:22 57:11 64:25 65:4 71:4,7 80:17 85:13 90:20 ut 2:14 utility 7:7 utilize 35:22 36:4 36:4 37:6 utilized 42:19 utilizing 36:22	94:6 videographer 2:24 5:2 68:1,4 93:2 videotape 5:3 view 84:11 visited 28:17 46:7 vivint 1:10,11,12 4:12 5:5 6:4,11,14 6:18,20,22 7:20,24 8:1,10,21 9:3,6 10:2,4,22 11:13,14 11:21 12:7,25 13:12,15,17,19,22 14:1 15:2,16,17 16:3,8,21 17:2,4,5 17:7,8,10,19,20 19:3,10,16 21:17 22:8,9,11,21 24:19 24:21 25:6 28:6 28:16 29:2,14,20 29:21 30:5,7,22 31:10,11,21 32:6 33:19 34:1,2,8,22 35:22 38:21 39:14 41:8,13,17,23,25 42:6,16,25 43:1,2 43:7,11,18 44:14 44:17,22,23 46:2,3 46:4,23 48:1 50:10,20,22 52:7 52:13 55:3,7 56:21 57:4,7,21,24 58:2,7,14,23 59:10 59:19 60:2 61:5,6 62:8,17,24 63:2,6 63:19,22 64:12 69:1,7,11 70:5,23 70:24 71:11 72:14 72:15,17,21,24 73:9,10,15,15,25 74:10,21,22,23
	u	v	
	ultimately 46:19 65:17 um 32:9 65:1 umbrella 43:2 uncomfortable 12:14 21:9 37:11 understand 7:18 17:11 38:21 42:4 45:20 47:21 48:18 52:20,24 53:5 74:20 75:5,6 84:3 84:10 92:18	v 1:9 95:4 96:1 97:1 verbatim 94:10 verify 95:9 veritext 95:14,23 veritext.com 95:15 verizon 31:12 version 11:21 versus 5:5 33:14 vest 47:18 video 1:16 3:9 40:13,21,23 52:3	

77:13,20,24,25 78:3,5,15 79:5 85:11,15,16,21 86:13,16 88:10,20 88:24 89:10 90:3 91:9 92:11 95:4 96:1 97:1 vivint's 65:14 90:20 voice 23:4,5,10,12 24:1,4 38:8,9 68:15 79:17 voicemails 24:7 25:20 vourakis 1:24 3:12 94:2,21	wants 12:12 64:23 watched 82:20 water 67:21 wavelengths 37:19 way 13:23 14:24 18:14,20 39:13 45:19 66:22 76:23 80:16 88:15 ways 13:10,16 21:13 62:22 we've 8:14 61:25 62:1 72:3 weekend 60:13 weights 35:9 went 17:17 47:5 63:19 86:17 western 1:2 white 84:4 wholesale 7:25 wife 6:9 12:2 32:15 46:7 59:11 59:25 71:6,6,7,8 81:23 willing 15:17 24:23 25:3 win 71:24 windows 49:13,14 withdraw 49:6 witness 5:11 11:8 67:23 95:8,10,12 95:19 witnesses 48:20 wolf 20:16 woman 9:23 68:17 wondering 18:19 word 44:22 48:6 words 28:16,18,20 28:21,22 43:17 45:6,9,10,12 57:11 60:23 69:10	work 7:4 11:24 20:12,25 31:16 40:24 45:16 83:4 worked 29:3 45:5 50:24 working 10:19,20 11:23 20:23 30:15 82:8 works 81:23 world 84:11 x x 4:1 y yeah 11:11 12:8 12:18,21 16:14 17:3,9 20:8 23:25 26:2,4,15,21 27:6 27:24 28:13 29:16 29:23 31:25 32:2 32:10 34:10 37:9 37:19,19 38:9,12 38:17,18 40:14 41:19,25 42:23 44:19,22,24 46:6 46:21 47:2,20,20 47:20 50:17,18 51:7,10,23,23 52:1 53:3,5,9,15 54:20 55:4,4 57:2,25 59:3,21 60:18,24 62:5,10,18,20 64:3 64:8,16,16 67:11 67:17 68:11,12 69:14,17,17 70:22 70:23 71:14,15,22 72:25 73:7,10,12 73:17 74:4 75:23 76:1 77:14 78:2 78:17,25 79:3,24 80:13,24 81:6,7,14	82:18,20 84:3 86:3,19 87:13 year 6:17,17 12:22 24:2 68:18 years 7:12 18:23 18:24 28:10,12 33:12 63:4 yesterday 52:4 young 80:19,19 z zaxby's 91:12,12 91:13 zero 55:23 56:5 zoom 1:16 2:1,23 2:24 3:9 5:16 40:21 55:1
w			
w 2:17 95:1 walk 40:16 41:2 walking 21:3,10 40:11 45:17 wall 39:14,16 40:7 41:5 want 11:10 14:20 21:4,13 31:5,6,6,7 31:19 35:21 36:1 38:20 42:4,15 43:16 48:3,7,12,13 48:14 52:14,15 53:11 55:10 59:4 60:15 61:16 64:24 65:4 70:8 71:24 73:11 74:18,19 77:15 78:5 79:20 89:3 91:13 wanted 20:3 21:11 24:19 32:7 46:17 53:4 62:7 63:18 63:21 69:25 71:11 71:20 76:5 79:6 79:19 81:17 87:18			

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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